

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

ALFRED ARTHUR SANDOVAL,

PLAINTIFF

VS.

JAMES TILTON, DIRECTOR OF THE CALIFORNIA
DEPARTMENT OF CORRECTIONS AND REHABILITATION;
ROBERT A. HORNE, WARDEN OF PELICAN BAY
STATE PRISON; et. al.

DEFENDANTS

NO. C 08-0865 JSW (PR)

FIRST AMENDED COMPLAINT PER
RULE 15 (a) OF THE FEDERAL
RULES OF CIVIL PROCEDURE**RECEIVED**

JUL 30 2008

RICHARD W. WIEKING
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIAI. JURISDICTION

1. THIS ACTION IS BROUGHT PURSUANT TO 42 USC SECTION 1983 TO REDRESS THE DEPRIVATIONS BY DEFENDANTS ACTING UNDER COLOR OF AUTHORITY AND UNDER OFFICIAL AND INDIVIDUAL CAPACITY OF RIGHTS SECURED BY THE UNITED STATES CONSTITUTION, CALIFORNIA CONSTITUTION AND LAW. JURISDICTION IS BASED UPON 28 USC SECTIONS 1331 AND 1343. THIS COURT HAS SUPPLEMENTAL JURISDICTION OVER THE STATE CLAIMS PURSUANT TO 28 USC SECTION 1367. PLAINTIFF SEEKS MONETARY DAMAGES PURSUANT TO 28 USC SECTION 1343 AND DECLARATORY RELIEF PURSUANT TO 28 USC SECTIONS 2201 AND 2202. THE UNLAWFUL ACTS AND PRACTICES ALLEGED OCCURRED PRIMARILY WITHIN THIS JUDICIAL DISTRICT AND THE MAJORITY OF DEFENDANTS RESIDE WITHIN THIS DISTRICT, 28 USC SECTION 1391 (b).

II PARTIES

2. PLAINTIFF, ALFRED ARTHUR SANDOVAL IS AT ALL TIMES MENTIONED HEREIN A PRISONER OF THE STATE OF CALIFORNIA AND IN THE CUSTODY OF THE CALIFORNIA DEPARTMENT OF CORRECTIONS AND REHABILITATION (CDCR). AND CURRENTLY CONFINED AT PELICAN BAY STATE PRISON (PESP) AND HOUSED IN A SECURITY HOUSING UNIT (SHU) UNDER ADMINISTRATIVE SEGREGATION (AD. SEG.)

3. DEFENDANT, JAMES TILTON IS THE DIRECTOR OF THE CDCR AND LEGALLY RESPONSIBLE FOR THE OVERALL OPERATION OF THE CDCR AND EACH INSTITUTION UNDER ITS JURISDICTION.

4. DEFENDANT, ROBERT A. HORNE IS THE WARDEN OF PESP AND IS THE LEGAL CUSTODIAN OF PLAINTIFF AND LEGALLY RESPONSIBLE FOR THE DAILY OPERATION OF PESP AND WELFARE OF ITS PRISONERS.

5. DEFENDANT, C. SCAVETTA IS AN ASSOCIATE WARDEN (AW) AT PESP AND IN THAT CAPACITY AT ALL RELEVANT TIMES MENTIONED HEREIN WAS ACTING AS SUBORDINATE TO THE WARDEN, AND OVERSAW THE OPERATIONS REGARDING THE SHU.

6. DEFENDANT, R. MARQUEZ IS A CAPTAIN (CAPT.), UNDER INFORMATION AND BELIEF, IN THE OFFICE OF CORRECTIONAL SECURITY (OCS), FORMALLY THE STATE SECURITY UNIT (SSU) OF THE CUCK AND IN THAT CAPACITY WAS IN CHARGE OF THE SPECIAL OPERATIONS TASK FORCE AT PESP ON FEBRUARY 2, 2007 AND RESPONSIBLE FOR ALL SUBORDINATES UNDER HIM.

7. DEFENDANT, R. PIMENTEL IS A CAPT. ASSIGNED TO THE DIRECTOR'S LEVEL OF APPEAL AND IN THAT CAPACITY IS AN APPEALS EXAMINER ON BEHALF OF THE DIRECTOR.

8. DEFENDANT, J. F. PEROSO IS A LIEUTENANT (LT.) IN THE CUCK AND ASSIGNED TO PESP "C" FACILITY AND IN THAT CAPACITY IS RESPONSIBLE FOR SUBORDINATES UNDER HIM.

9. DEFENDANT, R. R. KURSH IS A LT. IN THE CUCK AND IN THAT CAPACITY, UNDER INFORMATION AND BELIEF, WAS RESPONSIBLE FOR SUBORDINATES UNDER HIM AND THE WELFARE OF PRISONERS DURING THE FEBRUARY 2, 2007 SPECIAL OPERATION TASK FORCE, AND IS SEMI-RETIRED.

10. DEFENDANT, D. HAWKES, UNDER INFORMATION AND BELIEF HAS HELD SEVERAL SUPERVISORY POSITIONS AT PESP, INCLUDING SUPERVISOR OF THE I. G. I. UNIT², AND IN THAT CAPACITY HIS PRIMARY JOB CONCERN IS PRISON GANGS AND INSTITUTIONAL SECURITY.

11. DEFENDANT, G. KELLY IS A CAPT IN THE CUCK ASSIGNED TO PESP "D" FACILITY AND IN THAT CAPACITY, UNDER INFORMATION AND BELIEF OVERSEES THE DAILY OPERATIONS OF THAT FACILITY AND IS RESPONSIBLE FOR SUBORDINATES UNDER HIM.

12. DEFENDANT, C. HALL IS A CAPT. ASSIGNED TO THE DIRECTOR'S LEVEL OF APPEAL AND IN THAT CAPACITY IS AN APPEALS EXAMINER ON BEHALF OF THE DIRECTOR.

13. DEFENDANT, D. GARNESBURG IS A SARGENT (SGT.) ASSIGNED TO THE PESP - I. G. I. UNIT AND IN THAT CAPACITY, UNDER INFORMATION AND BELIEF, HIS PRIMARY JOB CONCERN IS PRISON GANGS AND SECURITY. ALSO IS A MEMBER OR ASSOCIATE OF THE CHAUNESTINE "GREEN WALL" CORRECTIONAL PRISON GANG, AND PARTICIPATED IN THE FEBRUARY 2, 2007 SPECIAL OPERATIONS TASK FORCE.

14. DEFENDANT, J. BEESON IS A SGT. ASSIGNED TO THE PESP - IGI UNIT AND IN THAT CAPACITY,

1. SPECIAL UNITS FROM VARIOUS PRISONS CONVERGED ON PESP TO CONDUCT PROPERTY SEARCHES AND TO COLLECT INTELLIGENCE ON ALLEGED PRISON GANG MEMBERS AND ASSOCIATES IN UNITS 1-4 OF "D" FACILITY
2. INSTITUTIONAL GANG INVESTIGATION UNIT.

1 UNDER INFORMATION AND BELIEF, HIS PRIMARY JOB CONCERN IS PRISON GANGS AND SECURITY.
 2 ALSO IS A MEMBER OR ASSOCIATE OF THE CLANDESTINE "GREEN WALL" CORRECTIONAL PRISON GANG, AND
 3 PARTICIPATED IN THE FEBRUARY 2, 2007 SPECIAL OPERATIONS TASK FORCE.

4 15. DEFENDANT, C. COURTRESS IS A CORRECTIONAL OFFICER (C/O) ASSIGNED TO PRSP-161 UNIT AND IN
 5 THAT CAPACITY, UNDER INFORMATION AND BELIEF, HIS PRIMARY JOB CONCERN IS PRISON GANGS AND SECURITY.
 6 ALSO IS A MEMBER OR ASSOCIATE OF THE CLANDESTINE "GREEN WALL" CORRECTIONAL PRISON GANG AND PARTICI-
 7 PATED IN THE FEBRUARY 2, 2007 SPECIAL OPERATIONS TASK FORCE.

8 16. DEFENDANT, T. BUCHANAN IS A C/O ASSIGNED TO PRSP-161 UNIT AND IN THAT CAPACITY,
 9 UNDER INFORMATION AND BELIEF, HIS PRIMARY JOB CONCERN IS PRISON GANGS AND SECURITY. ALSO IS
 10 A MEMBER OR ASSOCIATE OF THE CLANDESTINE "GREEN WALL" CORRECTIONAL PRISON GANG AND PARTICI-
 11 PATED IN THE FEBRUARY 2, 2007 SPECIAL OPERATIONS TASK FORCE.

12 17. DEFENDANT, J. PUENTE IS A C/O ASSIGNED TO PRSP-161 UNIT AND IN THAT CAPACITY, UNDER
 13 INFORMATION AND BELIEF, HIS PRIMARY JOB CONCERN IS PRISON GANGS AND SECURITY. ALSO IS A
 14 MEMBER OR ASSOCIATE OF THE CLANDESTINE "GREEN WALL" CORRECTIONAL PRISON GANG AND PARTI-
 15 CIPATED IN THE FEBRUARY 2, 2007 SPECIAL OPERATIONS TASK FORCE.

16 18. DEFENDANT, J. REYES IS A C/O IN THE CUCK AND WAS ASSIGNED TO THE FEBRUARY 2, 2007
 17 SPECIAL OPERATIONS TASK FORCE. AND UNDER INFORMATION AND BELIEF IS A MEMBER OR ASSOCIATE
 18 OF THE CLANDESTINE "GREEN WALL" CORRECTIONAL PRISON GANG.

19 19. DEFENDANT, TAMAYO IS A C/O IN THE CUCK AND WAS ASSIGNED TO THE FEBRUARY 2, 2007
 20 SPECIAL OPERATIONS TASK FORCE. AND UNDER INFORMATION AND BELIEF IS A MEMBER OR ASSOC-
 21 IATE OF THE CLANDESTINE "GREEN WALL" CORRECTIONAL PRISON GANG.

22 20. DEFENDANT, BISHOP IS A C/O IN THE CUCK AND UNDER INFORMATION AND BELIEF IS
 23 ASSIGNED TO THE OCS AND IN THAT CAPACITY WAS PART OF THE FEBRUARY 2, 2007 SPECIAL
 24 OPERATIONS TASK FORCE. ALSO IS A MEMBER OR ASSOCIATE OF THE CLANDESTINE "GREEN WALL"
 25 CORRECTIONAL PRISON GANG.

26 21. DEFENDANT, J. DIMMICK IS A C/O IN THE CUCK AND IN THAT CAPACITY IS ASSIGNED TO "D"
 27 FACILITY UNIT TWO (2). AND ON FEBRUARY 2, 2007 WAS PART OF THE SPECIAL OPERATIONS TASK
 28 FORCE AND ASSIGNED TO THE "C" FACILITY VISITING ROOM CUCK POSITION.

22. DEFENDANT, G. PARKER IS A % IN THE CUCK AND WAS ASSIGNED TO THE FEBRUARY 2, 2007 SPECIAL OPERATIONS TASK FORCE. AND UNDER INFORMATION AND BELIEF IS A MEMBER OR ASSOCIATE OF THE CHANDISTINE "GREEN WALL" CORRECTIONAL PRISON GANG.

23. DEFENDANT, S. SODERLUND IS A % IN THE CUCK AND IN THAT CAPACITY IS EMPLOYED AT PRSP

24. DEFENDANT, JOHN DOE NO. 1 IS A % IN THE CUCK AND PARTICIPATED IN THE FEBRUARY 2, 2007 SPECIAL OPERATIONS TASK FORCE.

25. DEFENDANT, JOHN DOE NO. 2 IS A % IN THE CUCK AND PARTICIPATED IN THE FEBRUARY 2, 2007 SPECIAL OPERATIONS TASK FORCE

26. DEFENDANT, JOHN DOE NO. 3 IS A % IN THE CUCK AND PARTICIPATED IN THE FEBRUARY 2, 2007 SPECIAL OPERATIONS TASK FORCE.

27. DEFENDANT, JOHN DOE NO. 4 IS A % IN THE CUCK AND PARTICIPATED IN THE FEBRUARY 2, 2007 SPECIAL OPERATIONS TASK FORCE.

28. DEFENDANT, M. SAYRE IS THE CHIEF MEDICAL OFFICER (CMO) AT PRSP AND IN THAT CAPACITY IS LEGALLY RESPONSIBLE FOR THE MEDICAL CARE OF ALL ITS PRISONERS AND FOR THE ACTIONS OF ALL STAFF.

29. DEFENDANT, S. RISENHOOVER IS A FAMILY NURSE PRACTITIONER (FNP) AND IS A PART OF PRSP MEDICAL STAFF. AND IN THAT CAPACITY, UNDER INFORMATION AND BELIEF, OPERATES UNDER THE CMO'S MEDICAL LICENSE AND IS RESPONSIBLE FOR PROVIDING PRIMARY MEDICAL ATTENTION AND CARE TO ALL PRISONERS HOUSED IN "D" FACILITY SHU.

30. DEFENDANT, J. FLOWERS IS A REGISTERED NURSE (RN) AND PART OF PRSP MEDICAL STAFF. AND IN THAT CAPACITY ASSISTS IN PROVIDING MEDICAL ATTENTION AND CARE TO ALL PRISONERS HOUSED IN "D" FACILITY SHU.

31. DEFENDANT, M. McLEAN IS A FNP ON THE PRSP MEDICAL STAFF AND IN THAT CAPACITY HAS THE POSITION OF A HEALTH CARE MANAGER (H.C.M.)

32. DEFENDANT J. KRAVITZ IS A CCTI AT PRSP AND IN THAT CAPACITY ONE OF HIS DUTIES IS TO, UNDER INFORMATION AND BELIEF, REVIEW MEDICAL APPEALS.

33. DEFENDANT C. GORDSPE IS A STAFF SERVICES ANALYST (SSA) AT PRSP AND IN THAT CAPACITY, UNDER INFORMATION AND BELIEF, ONE OF HER DUTIES IS TO REVIEW MEDICAL APPEALS.

III INTRODUCTION OF FACTS

34. THIS ACTION ARISES FROM DEFENDANTS EXCESSIVE USE OF FORCE UPON PLAINTIFF CAUSING PHYSICAL INJURY AND MENTAL SUFFERING IN RETALIATION FOR FILING GRIEVANCES ON DEFENDANTS FOR DENYING PLAINTIFF HIS MAIL. AND FOR REFUSING TO TAKE ADDITIONAL PHOTOGRAPHS ON FEBRUARY 2, 2007. ALSO ON MEDICAL STAFF FOR DENYING PLAINTIFF ADEQUATE MEDICAL ATTENTION AND TREATMENT FOR CHRONIC SINUS CONDITION AND CROHNS DISEASE, WHEN:

(a) PRIOR TO FEBRUARY 2, 2007 PLAINTIFF FILED SEVERAL ADMINISTRATIVE APPEALS (602 APPEAL) ON DEFENDANTS FOR INTERFERING WITH HIS INCOMING/OUTGOING REGULAR AND LEGAL MAIL;

(b) ON FEBRUARY 2, 2007 DURING SPECIAL OPERATIONS CONDUCTED BY SPECIAL UNITS OF THE COCK, DEFENDANT DEMANDED EXTRA PHOTOS OF PLAINTIFF FOR HIS "PERSONAL COLLECTION/USE," PLAINTIFF REFUSED. ON THE PRETEXT OF ESCORTING PLAINTIFF BACK TO HIS CELL, DEFENDANTS ASSAULTED HIM WHILE UNDER MANACLE RESTRAINT FOR REFUSING TO SUBMIT TO PHOTOGRAPHS.

(c) PLAINTIFF WAS ISSUED A COCK 115 RULES VIOLATION REPORT (RVR) IN RETALIATION FOR FILING A 602 APPEAL ON DEFENDANTS FOR EXCESSIVE USE OF FORCE.

(d) PLAINTIFF IS NOW PREOCCUPIED WITH FEAR OF WHEN AND HOW DEFENDANTS WILL "SET UP" PLAINTIFF FOR THE NEXT ATTACK.

35. DEFENDANTS ARE DENYING PLAINTIFF ADEQUATE MEDICAL ATTENTION AND TREATMENT FOR HIS CROHNS DISEASE BY:

(a) DENYING REQUEST FOR SPECIAL DIET FOR CROHNS DISEASE DUE TO HIS LACTOSE INTOLERANCE;

(b) CONTINUING TO PRESCRIBE MEDICATIONS THAT FAIL TO ALLVATE PAIN FROM CROHNS FLARE-UPS;

(c) DISCONTINUING HELPFUL MEDICATIONS AND CUTTING DOWN DOSES OF MEDICATION HELPFUL TO PLAINTIFF'S PERSISTENT CROHNS FLARE-UPS;

(d) FAILING TO COMPLETE A COLONOSCOPY TEST FOR AN ADEQUATE DIAGNOSIS;

(e) LACK OF PROPER MEDICAL ATTENTION AFFECTING CHOLESTEROL LEVELS, POTENTIALLY INCREASING THE RISK OF A HEART ATTACK OR STROKE;

(f) FAILURE TO REMOVE POLYPS THAT CAN CREATE POTENTIAL FUTURE COMPLICATIONS.

36. DEFENDANTS ARE DENYING PLAINTIFF ADEQUATE MEDICAL ATTENTION AND TREATMENT FOR HIS CHRONIC SINUS CONDITION BY:

(a) FAILING TO SEARCH OUT NASAL PICK HOLES TO RELIEVE PAIN AND INFECTION;

(b) FAILING TO PROVIDE A CONSULTATION WITH A NASAL SPECIALIST;

(c) CONTINUING TO PLACE PLAINTIFF ON REPEATED REGIMENS OF MEDICATIONS AND NASAL SPRAYS AT THIRTY (30) DAY INCREMENTS INSTEAD OF ALLOWING TO BE EXAMINED BY A NASAL SPECIALIST.

IV. FACTUAL SUMMARY

37. BETWEEN 1997-2000 PLAINTIFF WAS DIAGNOSED: CROHN'S DISEASE BY SAN GUSTAVO MEDICAL STAFF. IN NOVEMBER 2001 PLAINTIFF WAS TRANSFERRED TO POSP, FROM JANUARY 2002 TO SEPTEMBER 2003 WHILE IN THE LOS ANGELES COUNTY JAIL ON RETRIAL, HE WAS EXAMINED AND PLACED ON A SPECIAL DIET WHICH KEPT PLAINTIFF CROHN'S FLARE-UP FREE.

38. PLAINTIFF HAS A TWENTY-SEVEN (27) YEAR DOCUMENTED MEDICAL HISTORY OF CHRONIC NASAL ALLERGIES WITH SINUS INFECTIONS.

39. IN 1998 THE CALIFORNIA SENATE CONDUCTED HEARINGS ON INTERNAL PROBLEMS IN THE CORP, NAMELY, STAFF CODE OF SILENCE. IN 1999 THE CALIFORNIA OFFICE OF INSPECTOR GENERAL (OIG) REPORTED THE EXISTENCE OF A CORRECTIONAL ORGANIZATION FORMED, CALLED THE "GREEN WALL". IN JANUARY 2004 THE CALIFORNIA SENATE SELECT COMMITTEE ON STATE CORRECTIONAL SYSTEM HEARD TESTIMONY FROM GUARDS DETAILING THE FORMATION OF A CORRECTIONAL GANG-LIKE ORGANIZATION.

40. IN FEBRUARY 2006 POSP CONDUCTED A SHU-WIDE HOUSING PROGRAM CHANGE BY SELECTING ALLEGED PRISON GANG MEMBERS OR ASSOCIATES FROM "C" AND "D" FACILITIES AND REHOUSING IN UNITS 1-4 OF "D" FACILITY SHU, CREATING THE NOW COMMONLY REFERRED TO "GANG" CORRIDOR. THIS WAS DONE ABSENT ANY IDENTIFICATION VIA INTERDEPARTMENTAL MEMORANDUM (MEMO) POSTED IN HOUSING PODS.

41. IN FEBRUARY 2006 NEW UNDERGROUND OPERATIONAL POLICIES WERE IMPLEMENTED FOR THE MANAGEMENT OF THE "GANG" CORRIDOR, UNDER CONTROL OF I/GI UNIT REGARDING MAIL, VISITING, MEDICAL ATTENTION AND ESPIONS TO, AND IN GENERAL THE ONLY MOVEMENT IN "GANG" CORRIDOR.

42. ON FEBRUARY 2, 2007 WHILE UNDER MANDATE RESTRAINTS PLAINTIFF WAS ASSAULTED BY GREEN WALL I/GI DEFENDANTS AND SUFFERED INJURIES REQUIRING MEDICAL ATTENTION/TREATMENT.

43. ON FEBRUARY 5, 2007 PLAINTIFF FILED A 602 APPEAL CHARGING SUBJECTION TO RETALIAT.

1 ORY SUBJECTION TO EXCESSIVE USE OF FORCE CAUSING INJURY BY GREEN WALL I/GI DEFENDANTS
2 FOR FILING 602 GRIEVANCES.

3 44. ON FEBRUARY 16, 2007 PLAINTIFF WAS ISSUED A LOCK 115 RVR FOR ATTEMPTED BATTERY ON
4 STAFF ON FEBRUARY 2, 2007.

5 6 VI STATEMENT OF FACTS

7 45. SINCE SEPTEMBER 2003 PLAINTIFF HAS BEEN PERMANENTLY HOUSED AT PBSP, HIS REG-
8 ULAR AND LEGAL MAIL, INCOMING/OUTGOING HAS CONTINUOUSLY BEEN DELAYED, LOST OR DISAPP-
9 PEARED. AND HIS LEGAL MAIL OPENED OUTSIDE OF HIS PRESENCE BY GREEN WALL EMBEDDED
10 I/GI UNIT STAFF³ AND PLAINTIFF HAS HAD TO FILE 602 APPEALS. IN OCTOBER 2006 PLAINTIFF

11 FILED A 602 FOR EMPLOYEE MISCONDUCT (FALSIFYING INFORMATION) BY DEVON HAWKES AND ON
12 DECEMBER 4, 2006⁴ FILED A SECOND EMPLOYEE MISCONDUCT 602 ON DEVON HAWKES FOR
13 FAILING TO RESPOND TO THE OCTOBER 2006 602 WITHIN ESTABLISHED TIME LIMITS. ON DECEMBER
14 19, 2006 PLAINTIFF FILED A 602 (PBSP 07-00130) ON C. COUNTRESS FOR DENYING HIS MAIL AND
15 AGAIN ON DECEMBER 27, 2006 (PBSP 07-00073) FOR DENYING HIS MAIL SEE EXHIBIT B

16 46. ON FEBRUARY 2, 2007 UNDER INFORMATION AND BELIEF A COMBINED TASK FORCE OF
17 SPECIAL UNITS OF THE COCK CONVERGED ON PBSP-SHU "GANG" CORRIDOR AND CONDUCTED PROPERTY
18 SEARCHES, PHOTOGRAPHED AND VIDEO TAPED SELECTED PRISONERS, INCLUDING PLAINTIFF. J. TILTON
19 AS DIRECTOR OF THE COCK WAS AWARE OF THE CREATION OF THE PBSP "D" FACILITY SHU GANG CORRI-
20 DOR AND OF THE FEBRUARY 2, 2007 SPECIAL OPERATION TASK FORCE. ROBERT A. HORNE AS THE
21 WARDEN OF PBSP APPROVED CREATION OF THE GANG CORRIDOR AND OF THE FEBRUARY 2, 2007 TASK FORCE.
22 C. SCAVETTA, CAPT. MARQUEZ, AND LT'S PEDROSO AND KERSH WERE AWARE OF THE PLANNED
23 FEBRUARY 2, 2007 TASK FORCE AND OVERSAW ITS OPERATION.

24 47. ON FEBRUARY 2, 2007 D. BARNESBURG AND 96 TOWN ONE 1. HANDCUFFED AND ESCORTED
25 PLAINTIFF FROM HIS ASSIGNED CELL (DZ-105), AFTER CONDUCTING A PAT-DOWN BODY SEARCH AND

26 3. UNDER INFORMATION AND BELIEF IN OCTOBER 2007 A NEW MAIL POLICY WAS IMPLEMENTED,
27 ALL INCOMING/OUTGOING MAIL FROM UNITS 1-4 OF GANG CORRIDOR IS TO BE SENT TO THE I/GI UNIT.
PREVIOUSLY, ONLY SELECTED TAGGED PRISONERS MAIL WAS SENT TO I/GI UNIT.

28 4. THIS INFORMAL RESPONSE BY HAWKES REFERENCE A COMPLETELY DIFFERENT 602
(PBSP 06-02263). THE DECEMBER 2006 602 WAS DENIED A LOG NUMBER AND PROCESS, UNDER
INFORMATION AND BELIEF THE OCTOBER 2006 602 WAS INTENTIONALLY LOST BY I/GI. IN ADDITION,
D. HAWKES IN 602 # PBSP 06-02263 DENIED IT AT SECOND LEVEL SEE 602 IN EXHIBIT B

1 METAL DETECTOR WALKED TO THE "C" FACILITY VISITING AREA. AT THE ENTRANCE CORRIDOR TO THE VISITING
2 AREA, G. PARKER VIDEO TAPPED PLAINTIFF AND ESCORTING STAFFS' ENTRANCE. A Y.O. JOHN DOE 2, ALSO
3 PHOTOGRAPHED PLAINTIFF ENTERING. J. DIMMICK, POSITIONED AT VISITING AREA DESK ADVISED ESCORTING
4 STAFF THAT HOLDING CELL #13 WAS VACANT. PLAINTIFF WAS PLACED IN CELL #13. D. BARNEBURG AND
5 JOHN DOE 1, REMOVED THE HANDCUFFS, CONDUCTED A THOROUGH BODY SEARCH AND LEFT.

6 48. APPROXIMATELY NINETY (90) MINUTES LATER J. DIMMICK, J. REYES AND JOHN DOE 3, RETURNED,
7 NOTIFYING PRISONER RAIL GARCIA IN CELL #14 THAT HE WAS TO BE PHOTOGRAPHED. GARCIA ASKED
8 "WHAT FOR". J. REYES RESPONDED "THAT'S THE WAY IT IS, ALL OF YOU GUYS ARE GOING TO BE PHOTOGRA-
9 PHED." PLAINTIFF ASKED J. REYES "IS THIS AN ORDER OR ARE YOU GUYS (TASK FORCE) MAKING THIS UP AS
10 YOU GO ALONG, BECAUSE I WAS ALREADY PHOTOGRAPHED AND VIDEO TAPPED WHEN ESCORTED IN"?
11 J. REYES STATED "THESE PHOTOGRAPHS ARE FOR MY PERSONAL COLLECTION", PLAINTIFF STATED "IN THAT
12 CASE, NO, LET ME SPEAK TO YOUR SUPERVISOR OR THE CAPTAIN." THE THREE DEFENDANTS LEFT
13 WHEN PLAINTIFF AND OTHER PRISONERS REFUSED TO HAVE ADDITIONAL PHOTOGRAPHS TAKEN, SEE
14 DECLARATION OF PLAINTIFF IN EXHIBIT E.

15 49. J. REYES, PEREZ, TAMAYO, AND G. PARKER BEGAN ADVISING PRISONERS IF THEY
16 AGREED TO BE PHOTOGRAPHED THEY WOULD BE RETURNED TO THEIR CELLS AND PROPERTY RETURNED TO THEM.
17 PRISONERS WHO REFUSED WOULD REMAIN IN THE HOLDING CELLS "ALL DAY" PRISONERS STILL REFUSED.
18 DEFENDANTS LEFT THE AREA, UNDER INFORMATION AND BELIEF, TO CONFER WITH SUPERIORS.
19 APPROXIMATELY FIVE (5) MINUTES LATER J. REYES RETURNED STATING "I'M GETTING YOUR PHOTOS ONE WAY OR
20 ANOTHER" AND WALKED BACK TO THE VISITING AREA DESK. PLAINTIFF NOTICED NUMEROUS Y.O.s
21 ATTEMPTING TO COERCE PRISONERS INTO BEING PHOTOGRAPHED BUT ALL REFUSED.

22 50. APPROXIMATELY TEN (10) MINUTES LATER J. REYES, J. DIMMICK AND JOHN DOE 4, RETURNED TO
23 PLAINTIFF'S HOLDING CELL AND STATED "CUFF UP" PLAINTIFF STATED "I WAS ALREADY PHOTOGRAPHED AND I'M
24 NOT GIVING YOU MY PICTURE". J. REYES STATED "WE'RE TAKING YOU HOME" (ASSIGNED HOLDING CELL),
25 PLAINTIFF ADVISED J. REYES OF HIS MEDICAL CHARGE FOR DOUBLE HANDCUFFS DUE TO SHOULDER INJURY.
26 J. REYES ASKED JOHN DOE 4, FOR HIS CUFFS, HANDCUFFED PLAINTIFF AND ESCORTED HIM OUT OF THE
27 HOLDING CELL AND OUT INTO THE ADJACENT ENTRANCE CORRIDOR. PLAINTIFF NOTICED TWELVE TO
28 FIFTEEN Y.O.s LINED UP ON BOTH SIDES OF THE CORRIDOR WITH MORE ENTERING THE CORRIDOR.

51. PLAINTIFF WAS ORDERED BY J. REYES TO "HOLD UP" IN THE CENTER OF THE 90 LINE
 CORRIDOR. LOOKING AT THE 90s' PLAINTIFF STATED "DAMN THE GREEN WALL IS FULLY REPRESENTED".
 J. BEESON TOOK HOLD OF PLAINTIFF'S LEFT ARM FORCEFULLY TURNING HIM TOWARD THE RIGHT CORRIDOR
 WALL. PLAINTIFF NOTICED TWO 90s WITH HAND-HELD VIDEO CAMERAS⁵ FILMING HIM. B. PARKER WAS
 HOLDING A DIGITAL CAMERA. PLAINTIFF AGAIN STATED "I'M NOT TAKING ANYMORE PICTURES". SUDDENLY,
 HE WAS ATTACKED. D. BARNEBURG APPLIED A CHOKE HOLD SMASHING PLAINTIFF TO THE GROUND.
 J. BEESON, J. REYES, C. COUTRESS, T. BUDHAKIAN, J. PUENTES, BISHOP, AND TAWAYD PHETICP-
 ATTENDED IN THE ATTACK. PULLING AND TWISTING PLAINTIFF'S ARMS AND LEGS, PLACING THEIR KNEES ON
 HIS LEGS, STOMACH AND CHEST. PLAINTIFF HEAD WAS SMASHED DOWN ON THE CONCRETE FLOOR
 BY C. COUTRESS. PLAINTIFF'S HEAD BOUNCING OFF THE FLOOR HE LOOKED TOWARDS HIS LEGS WHEN C.
 COUTRESS STRUCK HIM IN THE FACE CAUSING HIS HEAD TO AGAIN BOUNCE OFF THE FLOOR. SEE PLAINTIFF'S
 DECLARATION IN EXHIBIT E.

52. D. BARNEBURG FORCEFULLY LANDED HIS KNEE ON PLAINTIFF'S HEAD CAUSING HIS NECK TO
 MAKE POPPING SOUNDS, WHILE T. BUDHAKIAN JUMPED ON PLAINTIFF'S RIGHT KNEE WHICH WAS BEFIT
 AND LAYING OVER HIS LEFT LEG, CAUSING A SHARP PAIN TO HIS KNEE AND LOWER BACK.
 D. BARNEBURG REMOVED HIS KNEE OFF OF PLAINTIFF'S LEFT SIDE OF HIS HEAD AND WITH HIS HAND
 FORCED HIS HEAD DOWN AGAINST THE FLOOR. THIS WAS REPLACED BY JOHN DOE 4'S KNEE, AGAIN
 SMASHING PLAINTIFF'S HEAD AGAINST THE FLOOR. WHILE D. BARNEBURG BEGAN TO RIP OFF
 PLAINTIFF'S T-SHIRT UNTIL THE FRONT WAS TORN DOWN TO THE SEAM. D. BARNEBURG ORDERED
 B. PARKER⁶ TO "TAKE THE PHOTOS" AND ORDERED JOHN DOE 4. WHO'S KNEE WAS STILL SMASH-
 ING DOWN ON PLAINTIFF'S HEAD TO "BACK OFF" IN ORDER TO PHOTOGRAPH PLAINTIFF. PLAINTIFF
 SUDDENLY FELT "POPPING" IN HIS NECK, LOWER BACK AS THE PRESSURE WAS RELEASED OFF HIS BODY.
 UNDER INFORMATION AND BELIEF PLAINTIFF ASSERTS THE PHOTOGRAPHS AND VIDEO TAPES SHOW HIM GRIM-
 ACING IN PAIN AND IDENTITY OF THE ATTACKERS. SEE PLAINTIFF'S DECLARATION IN EXHIBIT E

53. LEG IRONS WERE PLACED ON PLAINTIFF. HE WAS LIFTED TO HIS FEET AND ATTEMPTED TO
 STAND BUT HIS KNEES BUCKLED. J. BEESON AND D. BARNEBURG HELD PLAINTIFF UPRIGHT UNTIL
 HE COULD STAND AND WALK ON HIS OWN. ESCORTED TO HIS HOUSING UNIT PLAINTIFF WAS PLACED IN
 A "DRY" HOLDING CELL IN THE UNIT ROTUNDA. D. BARNEBURG ORDERED UNIT 2 HOUSING STAFF K.

5. UNDER INFORMATION AND BELIEF PLAINTIFF ASSERTS THE VIDEO CAMERA OPERATORS WERE PERSON-
 NELL FROM THE COCR GANG OPERATIONS (GANG OPS).
 6. PLAINTIFF IS NOT SURE IF B. PARKER USED A CAMERA FROM ONE OF THE PREVIOUSLY MENTIONED
 JOHN DOE CAMERA OPERATORS OR PRODUCED A DIFFERENT CAMERA

1 STARTON TO CALL FOR A MEDICAL TECHNICAL ASSISTANT (MTA) IN ORDER TO HAVE PLAINTIFF MEDICALLY
 2 CLEARED BEFORE PLACING HIM BACK IN HIS ASSIGNED CELL. MTA C. RICHCREEK ARRIVES AND BEG-
 3 AN THE EXAMINATION, SHE ASKED ABOUT THE TORN T-SHIRT STILL HANGING OFF OF PLAINTIFF, SHE ASKED
 4 PLAINTIFF WHAT HAPPENED. PLAINTIFF EXPLAINED HE HAD BEEN "DUNKED BY THE GREEN WALL"
 5 WHILE HANDCUFFED, STAMMED TO THE GROUND, DUMPED ON AND PUNCHED IN THE FACE BY C.
 6 COURTES. AND STATED DURING THE ATTACK HE FELT A "POP" IN THE BACK OF HIS NECK AND
 7 PAIN TO HIS LOWER BACK AND LEFT KNEE.⁷

8 54. MTA RICHCREEK STOPPED HER EXAMINATION AND ASKED D. BARNESBURG TO CALL "O" FACIL-
 9 ITY CLINIC AND REQUEST A NECK BRACE AND BACK BOARD. MTA RICHCREEK ASKED PLAINTIFF IF
 10 HE FELT ANY PAIN, PLAINTIFF RESPONDED HE WAS NUMB ALL THE WAY DOWN TO HIS LEFT HAND. HE NEXT
 11 STATED TO THE MTA HE WOULD BE FILING AN EXCESSIVE USE OF FORCE ON THOSE WHO ATTACKED HIM,
 12 THIS WAS OVERHEARD BY D. BARNESBURG AND J. SEESON. J.T. FLOWERS (RN) AND MTA MARLIN
 13 ARRIVED WITH NECK BRACE AND BACK BOARD, MTA RICHCREEK PLACED THE NECKBRACE ON PLAINTIFF, THE
 14 BACKBOARD WAS PLACED ON A ROLLING TABLE, PLAINTIFF LAID ON TOP OF IT AND TAKEN TO "O" FACILITY CLINIC.

15 55. PLAINTIFF WAS EXAMINED BY S. ROSENTHAL (FNP), VITALS TAKEN, THEN ORDERED X-RAYS
 16 AND CT SCANS. PLAINTIFF WAS TAKEN TO PRISON INFIRMARY. THE ON-DUTY DR. WAS WAHIDULLAH,
 17 AN OTHER DR. ARRIVED AND BEGAN TO GIVE PLAINTIFF A CURSORY EXAM, ORDERING DR. WAHIDULLAH
 18 TO REMOVE THE BRACE. DR. WAHIDULLAH REFUSED STATING "HE HAS A NECK INJURY WITH NUMBNESS,
 19 REMOVING THE BRACE COULD PARALYZE HIM, HE NEEDS X-RAYS AND CT SCANS." SUBSEQUENTLY,
 20 PLAINTIFF WAS TRANSPORTED TO SUTTERCROFT HOSPITAL IN CRESCENT CITY AND EXAMINED BY DR. SANDY
 21 SAUNDERS WHO ORDERED THE X-RAY AND CT SCANS. REVIEWING THE RESULTS, PAIN MEDICATION
 22 FOR NECK AND MUSCLE INJURY WAS ORDERED BY DR. SAUNDERS, PLAINTIFF WAS RETURNED TO PDS
 23 AND TO HIS ASSIGNED CELL.

24 56. ON THE EVENING OF FEBRUARY 2, 2007 UNIT #6 A. GARCIA ASKED PLAINTIFF IF HE WANTED
 25 TO BE VIDEO INTERVIEWED FOR HIS COMPLAINT OF EXCESSIVE USE OF FORCE. PLAINTIFF AGREED AND
 26 WAS ESCORTED BY LT. PEDROSO, A SARGENT AND TWO OTHER #6s TO LT. PEDROSO'S OFFICE.
 27 LEEZY OF ANOTHER ATTACK AND FEARING FOR HIS SAFETY PLAINTIFF ASKED ESCORTS IF THIS WAS
 28 ANOTHER "GREEN WALL SET UP"? LT. PEDROSO RESPONDED "NO, THIS IS AN INTERVIEW THAT WILL

⁷ NO FEWER THAN SEVEN (7) INCIDENT REPORTS WERE MADE BY STAFF AND IN NONE OF THE REPORTS IS REPRESENTED ANY INJURIES TO PLAINTIFF, NOT EVEN SO MUCH AS A SCRATCH IS REPORTED.

BE VIDEO TAPED" ONCE AT THE LT.'S OFFICE PLAINTIFF THE VIDEO CAMERA WAS SET UP BY THE SGT. THE INTERVIEW BEGAN NOTING CASE NUMBER, DATE, NAMES, AND RANK OF PRESENT STAFF FOLLOWED BY ASKING PLAINTIFF TO EXPLAIN WHAT OCCURRED EARLIER THAT DAY, SEE PLAINTIFF'S DECLARATION IN EXHIBIT E.

57. PLAINTIFF STATED HE WAS ATTACKED AFTER MAKING THE COMMENT "THE GREEN WALL IS FULLY REPRESENTED" AND THAT THE UNDERLYING MOTIVE FOR THE ATTACK WAS IN RETALIATION FOR FILING 602 APPEALS ON GREEN WALL I.B.I. STAFF WHO HAD PARTICIPATED IN THE ATTACK. UNDER INFORMATION AND BELIEVE THE INCIDENT WAS VIDEO TAPED BY STAFF PRESENT. PLAINTIFF STATED HE RECEIVED LUMPS AND CUTS ON THE BACK AND SIDE OF HIS HEAD. LT. PEDROSO STATED "THERE'S NOTHING ABOUT HEAD WOUNDS IN THE MEDICAL REPORT," PLAINTIFF SAID THATS CAUSE AT THE TIME OF EXAM HE WAS STRAPPED TO THE BACK BOARD AND HIS HEAD SECURED AND COULD NOT MOVE HIS NECK. LT. PEDROSO ORDERED THAT AN MTA BE CALLED IN ORDER TO DOCUMENT PLAINTIFF'S WOUNDS. THE MTA ARRIVED, ON RECORD EXAMINED PLAINTIFF, NOTING (3) LUMPS ON BACK OF HIS HEAD AND LACERATIONS ON HEAD, KNEES AND HANDS, THE EXAM WAS DOCUMENTED ON VIDEO AND MEDICAL FORMS. UPON COMPLETION OF THE EXAM PLAINTIFF ASKED LT. PEDROSO IF THE VIDEO WOULD DISAPPEAR TO PROTECT THE GREEN WALL AS DOES ALL OTHER EVIDENCE OF EXCESSIVE FORCE, HE RESPONDED "NO, IT'LL BE ON TAPE WHEN WE NEED IT," SEE PLAINTIFF'S DECLARATION EXHIBIT E.

58. ON FEBRUARY 5, 2007 PLAINTIFF FILED 602 PRSP 07-0089 CITING EXCESSIVE USE OF FORCE UNDER COLOR OF AUTHORITY BY GREEN WALL I.B.I. STAFF IN RETALIATION FOR FILING GRIEVANCES. IN THE 602 PLAINTIFF CITED CALIF. PUBLIC RECORDS ACT § 6252 et. al. AND INFORMATION PRACTICE ACT § 1798 et. al. IN REQUESTING INFORMATION AS TO THE SPECIAL OPERATIONS COMPLETED ON FEBRUARY 2, 2007. APPEAL PROCESS WAS BYPASSED TO 2ND LEVEL AND REVIEW WAS CONDUCTED BY LT. PEDROSO ON BEHALF OF WARDEN R. HORREL, WHO PARTIALLY GRANTED 602 IN THAT NO RETALIATION WOULD BE TAKEN FOR FILING APPEAL. HOWEVER, THE CLAIMS RAISED AND REMAINDER OF RELIEF REQUESTED WAS DENIED BY R. HORREL. PLAINTIFF BELIEVES THAT THE WARDEN SHOULD NOT HAVE ALLOWED LT. PEDROSO TO PARTICIPATE IN THE 602 PROCESS BECAUSE HE WAS, UNDER INFORMATION AND BELIEF, ONE OF THE SUPERVISORS OF THE FEBRUARY 2, 2007 SPECIAL OPERATIONS. AT 3RD LEVEL REVIEW THE REVIEWER WAS R. PIMENTEL WHO'S REVIEW DID NOT INCLUDE THE CALIF. PUBLIC RECORDS ACT OR THE INFORMATION PRACTICE ACT

1 REQUEST. BASED ON R. PLAMENET'S REVIEW DIRECTOR J. TILTON DENIED 602 ON JUNE 25,
 2 2007, SEE 602 NO. PBSP-07-0089 IN EXHIBIT A. ON FEBRUARY 8, 2007 UNIT STAFF C/O A.
 3 GARCIA TOLD PLAINTIFF THAT LT. PEDROSO INQUIRED IF HE WOULD CONSENT TO BE REINTERVIEWED
 4 BECAUSE THE FIRST TAPED INTERVIEW "MESSED UP" PLAINTIFF AGREED TO THE INTERVIEW.
 5 THE INTERVIEW WAS HELD AT "D" FACILITY CONFERENCE ROOM, WHILE A SGT. SET UP TWO (2)
 6 VIDEO CAMERAS, PLAINTIFF ASKED HOW THE FIRST VIDEO MESSED UP. LT. PEDROSO STATED IT DIDN'T
 7 ACTUALLY MESS UP BUT RATHER THE INTERVIEW WAS ON A "BAD DISK" THAT ONLY FUNCTIONS ON
 8 CERTAIN PLAYERS AND THE COURTS NEED A RECORDING THAT'S PLAYABLE ON ALL TAPE PLAYERS.
 9 PLAINTIFF STATED HE WASN'T SURPRISED THERE WAS A "PROBLEM" WITH FIRST TAPED INTERVIEW BECAUSE
 10 THE GREEN HALL HAS DEEP ROOTS AT PBSP, SEE PLAINTIFF'S DECLARATION IN EXHIBIT E.

11 59. THE INTERVIEW WAS DONE, LT. PEDROSO ASKED PLAINTIFF IF HE WAS IN GOOD HEALTH, PLAINTIFF
 12 STATED BEING UNDER MEDICATION FOR THE WRECK INJURY SUFFERED FROM THE ATTACK. PLAINTIFF WAS
 13 ASKED IF HE WISHED TO PROCEED, HE STATED, YES BECAUSE IF HE DIDN'T, THE INCIDENT WOULD BE SWEEPED
 14 UNDER THE RUG AS USUAL. SUBSEQUENTLY, LT. PEDROSO ADVISED HIM HE WAS BEING CHARGED
 15 WITH A CODE 115 RVR FOR ATTEMPTED BATTERY ON A PEACE OFFICER⁸. PLAINTIFF ASKED HOW CAN
 16 THAT BE WHEN HE WAS THE ONE ASSAULTED WHILE HANDCUFFED, THROWN TO THE GROUND, KNEES,
 17 TUMPLED ON AND PUNCHED IN THE FACE, SEE PLAINTIFF'S DECLARATION IN EXHIBIT E.

18 60. BETWEEN FEBRUARY ~ JULY 2007 PLAINTIFF SUBMITTED NUMEROUS SICK CALL REQUESTS⁹ AND
 19 TAKEN TO DOCTOR'S LINE¹⁰ FOR INJURIES SUFFERED ON FEBRUARY 2, 2007. IN THAT SPAN OF
 20 TIME M. SAYRE, S. RISENHOWER AND J. FLOWERS HAVE INDIVIDUALLY AND COLLECTIVELY DELAYED
 21 PROCESSING SICK CALL REQUESTS AND DR. LINE VISITS AND IGNORING REASONS FOR THE RE-
 22 VISITS. PLAINTIFF FILED TWO 602 APPEALS: NO. PBSP 07-00866 ON FEBRUARY 15, 2007
 23 AND NO. PBSP 07-00717 ON MAY 15, 2007. 602 NO. 00866 WAS GRANTED PARTIALLY BY
 24 J. FLOWERS AT INFORMAL LEVEL WHICH AMOUNTED TO DELAYING MEDICAL ATTENTION. AND AT
 25 FIRST LEVEL REVIEW BY S. RISENHOWER WAS NOT IN COMPLIANCE WITH APPEAL PROCEDURES.
 26 C/SB STATES PARTIALLY GRANTED BUT DOESN'T INDICATE WHAT THAT CONSISTED OF, WHATS MORE

27 8. PLAINTIFF KNEW HE DIDN'T ATTEMPT TO ASSAULT ANYONE, BY LT. PEDROSO'S NOTICE PLAINTIFF BELIEVED
 28 IT WAS A CORRECTION ATTEMPT TO HAVE HIM RESCUE THE 602 OF EXCESSIVE USE OF FORCE BY GREEN HALL I.B.I.

9. WHEN MEDICAL REQUESTS ARE MADE A T362 FORM IS SUBMITTED, FOLLOWED BY AN INTERVIEW WITH A
 RN TO INQUIRE INTO THE NATURE OF MEDICAL PROBLEM AND PARTIALING A MEDICAL APPOINTMENT.

10. CONSISTS OF MEDICAL ATTENTION BY FACILITY FNP AT FACILITY CLINIC ALSO CALLED
 DR. LINE

1 SHD NOTES ON 602 FORM "SEE ATTACHED RESPONSE" WHICH CONSISTS OF A SIX SENTENCE PARAGRAPH
 2 CONTAINED IN 2ND LEVEL RESPONSE, IN SUMMATION ADVISES PLAINTIFF TO PLACE A ROLLED UP
 3 TOWEL AROUND HIS NECK AT NIGHT. AT 2ND LEVEL M. McLEAN INVESTIGATED ALLEGATIONS HAD
 4 J. KRAVITZ REVIEWED, PLAINTIFF SHOWED HE SUFFERED INJURY TO HIS NECK, BACK AND KNEE,
 5 MEDICAL STAFF ACKNOWLEDGED THIS. FROM J. KRAVITZ AND M. McLEAN'S SUMMATION "YOU ARE
 6 RECEIVING APPROPRIATE CARE AND FOLLOW UP FOR YOUR INJURIES" IT APPEARS THE 602 IS BEING
 7 DENIED, YET THEY STAY PARTIALLY GRANTED. QUESTION, WHAT IS BEING PARTIALLY GRANTED?
 8 PLAINTIFF ADVANCED THE 602 TO 3RD LEVEL (DIRECTOR'S) REVIEW THE REVIEWER WAS C. HALL
 9 WHO CONDUCTED A SUBSTANDARD REVIEW AMOUNTING TO RUBBER STAMPING THE PREVIOUS RESPONSES,
 10 ON JULY 8, 2007 C. HALL DENIED 602 SEE 602: PESP 07-00866 IN EXHIBIT A. IN 602 NO.
 11 00717 PLAINTIFF APPEALED DENIAL OF PHYSICAL THERAPY, AT INFORMAL RESPONSE J. FLOWERS DENIES
 12 602 ON BEHALF OF M. SAYRE. THIS RESPONSE IS DOES NOT COMPLY WITH APPEAL PROCEDURES,
 13 AND BASIS FOR DENIAL IS QUESTIONABLE. THE X-RAYS AND CT WOULD NOT SHOW THE TYPE OF
 14 INJURIES PLAINTIFF SUFFERED FROM AND REASON FOR PHYSICAL THERAPY, AND M. SAYRE SHOULD
 15 HAVE RESPONDED AT INTERNAL LEVEL. AT 2ND LEVEL REVIEW M. McLEAN INVESTIGATED AND
 16 J. KRAVITZ REVIEWED AND ALTHOUGH IT WAS ACKNOWLEDGED PLAINTIFF MAY STILL BE EXPERIENCING
 17 SOFT TISSUE AND MUSCULAR DISCOMFORT (PHYSICAL THERAPY COULD ALLUVIATE) 2ND LEVEL FOLLOWED
 18 PREVIOUS LEVEL RESPONSES AND DENIED APPEAL. 602 WAS ADVANCED TO 3RD LEVEL, REVIEWED
 19 BY C. HALL WHO FOLLOWED THE FINDINGS OF PREVIOUS RESPONSES AND DENIED PHYSICAL THER-
 20 APY AND EXAM BY SPECIALIST ON SEPTEMBER 29, 2007, SEE 602: PESP 07-00717 IN EXHIBIT A.

21 61. ON FEBRUARY 13, 2007 PLAINTIFF CONTACTED THE CALIFORNIA OFFICE OF INSPECTOR GENERAL
 22 (O.I.G.) REQUESTING AN INVESTIGATION INTO THE FEBRUARY 2, 2007 EXCESSIVE USE OF FORCE BY MEM-
 23 BERS OR ASSOCIATES OF THE GREEN WALL ENCLOSED I.G.I. UNIT AND ON-GOING COVER-UPS, SEE
 24 O.I.G. RESPONSE IN EXHIBIT D.

25 62. ON FEBRUARY 14, 2007 J. BEESON ATTEMPTED TO CONDUCT A 2ND LEVEL 602 INTERVIEW
 26 WITH PLAINTIFF ON DISAPPROVED MAIL. PLAINTIFF REFUSED AND REQUESTED TO BE INTERVIEWED
 27 BY UNBIASED STAFF BECAUSE HE HAD A PENDING COMPLAINT AGAINST J. BEESON AS A PARTICIPANT IN
 28 THE FEBRUARY 2, 2007 ASSAULT ON PLAINTIFF. J. BEESON BECAME ANGRY AND STATED

1 "I'LL REJECT IT AND HAVE IT CANCELED (602) AND SAY YOU REFUSED TO COOPERATE." PLAINTIFF
 2 REFUSED TO GIVE INTO THE THREATS, SUBSEQUENTLY, THE APPEAL WAS CANCELED BECAUSE
 3 PLAINTIFF REFUSED TO COOPERATE SEE 602 NO. PSP 007-00130 IN EXHIBIT B.

4 63. ON FEBRUARY 21, 2007 PLAINTIFF APPEARED BEFORE I.C.C.¹¹ AND PLAINTIFF REQUESTED ALL
 5 ISSUES RAISED TO BE NOTED ON THE COCR 128-G CHRONO. PLAINTIFF STATED TO C. SCAVETTA HE
 6 WAS SUSPECTED TO EXCESSIVE USE OF FORCE CAUSING INJURY IN RETALIATION FOR FILING 602 APPEAL
 7 ON GREEN WALL EMBEDDED I.G.I. STAFF FOR INTERFERING WITH HIS MAIL AND EMPLOYEE MISCONDUCT
 8 COMPLAINTS. CAPT. G. KELLY STATED "THE DEPARTMENT HAS A PROCESS AND IT TAKES TIME"; PLAINTIFF
 9 ADDED HOW 602s ARE ROUTINELY REJECTED, ESPECIALLY WHEN CHARGING OF STAFF MISCONDUCT
 10 AND OTHERS SIMPLY DISAPPEAR. CAPT. KELLY ENDED THE CONVERSATION AND ICC HEARING
 11 BY STATING THERE IS AN INVESTIGATION INTO THE INCIDENT. UPON RECEIVING A COPY OF THE
 12 COCR 128-G CHRONO THERE WAS NO REFERENCE AS TO THE CONVERSATION, EXHIBIT D

13 64. ONCE RETURNED TO HIS ASSIGNED CELL D. BARNESBURG ATTEMPTED TO CONDUCT A 2ND
 14 LEVEL 602 INTERVIEW, PLAINTIFF REFUSED, REQUESTING TO BE INTERVIEWED BY AN UNBIAS STAFF
 15 BASED ON A PENDING COMPLAINT AGAINST HIM AS A PARTICIPANT IN THE FEBRUARY 2, 2007 EXCESS-
 16 IVE USE OF FORCE ON PLAINTIFF. D. BARNESBURG STATED HE COULD "SET ALL THAT ASIDE AND GIVE
 17 HIM A FAIR SHAKE" PLAINTIFF RESPONDED HE DIDNT BELIEVE HIM AND THE INTERVIEW WAS A
 18 INTIMIDATION TACTIC. THEN, D. BARNESBURG STATED "THEN I'LL JUST CANCEL THE 602," ON
 19 FEBRUARY 28, 2007 THE 602 WAS CANCELED, SEE 602 NO. PSP 007-0073 IN EXHIBIT B.

20 65 ON FEBRUARY 16, 2007 PLAINTIFF RECEIVED A COCR 115 RVR FOR ATTEMPTED BATTERY
 21 ON A PEACE OFFICER. PLAINTIFF REQUESTED A STAFF ASSISTANT¹² FOR THE PURPOSE OF
 22 TALKING TO AND OBTAINING DECLARATORY EVIDENCE FROM FELLOW PRISONERS THAT HE HIM-
 23 SELF COULD NOT DO, AND REQUESTED PRISONERS AND STAFF AS WITNESSES AT HIS HEARING.
 24 PLAINTIFF POSTPONED THE DISCIPLINARY HEARING PENDING THE OUTCOME OF A REFERRAL
 25 FOR PROSECUTION. SEE COCR 115 RVR IN EXHIBIT D

26 66. ON APRIL 10 2007 PLAINTIFF RECEIVED A PROSECUTION REJECTION NOTICE FROM %
 27 SODERLUND AND WAS ALLOWED TO REVIEW ONE PHOTO OF HIMSELF THAT WAS TAKEN ON 1

28 11. INSTITUTIONAL CLASSIFICATION COMMITTEE WHICH CONSISTED OF CHAIRPERSON C. SCAVETTA, CAPT. G. KELLY, CCIT G. D'ERRICO, AND CCI W. BARTIS,
 12. ON APRIL 13, 2007 PLAINTIFF RECEIVED A COCR 128-B CHRONO STATING HIS REQUEST FOR A STAFF ASSISTANT WAS DENIED, CHRONO SIGNED BY % W. COLEMAN, SEE EXHIBIT D

1 FEBRUARY 2, 2007 BY % G. PARKER SHOWING PLAINTIFF ON THE BLOOD CRIMINING IN ARMS,
 2 A HAND WITH A WEDDING BAND ON PLAINTIFF'S LEFT SHOULDER AND A FOREARM WITH A
 3 TATTOO ABOVE HIS HEAD. PLAINTIFF IS SHOWN HAVING RED MARKS ON HIS FACE (LACERA-
 4 TIONS) AND RED STRETCHES ACROSS THE UPPER LEFT SIDE OF CHEST. PLAINTIFF INQUIRED
 5 ABOUT OTHER PHOTOS AND VIDEOS TAKEN AT THE SCENE. % SODERLUK RESPONDED "THIS IS
 6 THE ONLY ONE I HAVE BUT I'LL ASK MY SUPERIORS". HE WAS TO RETURN WITH WHATEVER
 7 OTHER PHOTOS THERE WERE, BUT HE NEVER RETURNED. ON MAY 2, 2007 PLAINTIFF WAS
 8 FOUND GUILTY OF THE RVR AND ON JUNE 18, 2007 FILED A 602. SEE CCR 115 AND
 9 602 NO. PRSP 07-01445 IN EXHIBIT D.

10 67. SINCE EARLY 2006 TO THE PRESENT PLAINTIFF HAS CONTINUOUSLY SOUGHT MEDICAL ATTEN-
 11 TION/TREATMENT FOR HIS CHRONIC SINUS CONDITIONS. PLAINTIFF HAS A 28 YEAR HISTORY
 12 OF ALLERGIES AND PAST SINUS INFECTION. IN NOVEMBER 2006 WHILE AT DR. LINE HE
 13 REQUESTED TO BE SEEN BY A NASAL SPECIALIST. HE BELIEVED HE HAD A SINUS INFECTION.
 14 S. RISENHOOVER DECISIONED PLAINTIFF MUST FIRST GO THROUGH A REGIMEN OF MEDICATIONS PRIOR
 15 TO BEING RECOMMENDED TO SEE A SPECIALIST. RETURNING TO DR. LINE IN DECEMBER 2006
 16 S. RISENHOOVER AGAIN PLACED PLAINTIFF THROUGH THE SAME REGIMEN. SEE CCR 7230 (DATED)
 17 JANUARY 31, 2007 IN EXHIBIT H.

18 68. ON JANUARY 7, 2007 PLAINTIFF COMPLETED THE REGIMEN AND STILL SUFFERED PAIN FROM
 19 SINUS AND AGAIN AT DR. LINE S. RISENHOOVER PLACED PLAINTIFF ON THE SAME REGIMEN FOR
 20 ANOTHER (30) DAYS. THESE CONSISTENT (30) DAY REGIMENS WERE NOT ALLEVIATING THE PAIN
 21 COMING FROM SINUS INFECTION. ON JANUARY 10, 2007 PLAINTIFF FILED A 602 APPEAL ON S.
 22 RISENHOOVER FOR INADEQUATE MEDICAL TREATMENT AND DENIAL OF REPEATED REQUESTS TO
 23 SEE A SPECIALIST. ON JANUARY 16, 2007 J. FLOWERS DENIED THE 602 AT INFORMAL LEVEL,
 24 HOWEVER, THE 602 WAS DIRECTED AT S. RISENHOOVER. J. FLOWERS ADDRESSING 602 AT INFOR-
 25 MAL WAS NOT WITHIN CCR 15 § 3084.5 (2) (2) (1) OF APPEAL PROCEDURES. AT FIRST
 26 LEVEL REVIEW ON MARCH 16, 2007 S. RISENHOOVER AND M. SAYRE PARTIALLY GRANTED 602
 27 BUT NO REFERENCE IS MADE AS TO WHAT WAS PARTIALLY GRANTED. IN ADDITION BECAUSE
 28 THE 602 WAS APPEALING S. RISENHOOVER SHE SHOULD NOT HAVE CONDUCTED THE INTERVIEW

PER CCR 15 § 3084.5 (c). ON APRIL 2, 2007 THE 602 WAS PARTIALLY GRANTED AT 2ND LEVEL BY M. McLEAN AND J. KRAVITZ REFERRING IT SYMPTOMS PERSIST THEN A RECOMMENDATION TO SEE A SPECIALIST WOULD BE CONSIDERED. AT THIS LEVEL IS REFERENCED A STATEMENT PLAINTIFF NEVER MADE TO S. ROSENHOVER THAT "THE INFECTION WAS GONE". TO DATE PLAINTIFF CONTINUES TO SUFFER PAIN CAUSED BY A NASAL INFECTION. AT 3RD LEVEL DIRECTORS REVIEW CONDUCTED BY C. HALL, HIS REVIEW AMOUNTED TO NOTHING MORE THAN RUBBER STAMPING THE PREVIOUS REVIEWS. AND CONCLUDING THAT THE SINUS CONDITION WAS RESOLVED AND ON THAT BASIS DENIED 602, SEE COCR 7230 DOCUMENTS AND 602 NO. QBS07-00203 IN EXHIBITS H AND C.

69. ADDITIONALLY, AT THE JANUARY 23, 2007 2ND LEVEL INTERVIEW PLAINTIFF ADVISED S. ROSENHOVER THAT IN 2003 WHILE AT SAN CLEMENTE HE HAD UNDERGONE CORRECTING NOSE SURGERY FOR A BROKEN NOSE, BY DR. WINTHROP H. HALL WHO AT THE TIME SCRAPED PLAINTIFF'S SINUS CAVITY DUE TO POK HOLE BEING INFECTED. AND DR. HALL HAD ADVISED HIM SOMETIME IN THE FUTURE HE WOULD NEED MORE SCRAPINGS, SEE FEBRUARY 29, 2000 OPERATIVE REPORT IN EXHIBIT H. IT SHOULD BE NOTED 2ND LEVEL RESPONSE MAKES NO MENTION OF THE ADVISEMENT. ON MARCH 14, 2007 AT DR. LINE FOR A FOLLOW-UP ON PLAINTIFF'S NECK INJURY AND SINUS INFECTION, S. ROSENHOVER STATED THE ANTIBIOTICS SHOULD HAVE DONE THE JOB, SEE PLAINTIFF'S DECLARATION AND MARCH 14, 2007 COCR 7230 IN EXHIBITS E AND H.

TO. ON APRIL 24, 2007 AT DR. LINE FOR SINUS INFECTION, AGAIN S. ROSENHOVER PRESCRIBED THE SAME MEDICATIONS. PLAINTIFF REQUESTED TO SEE A SPECIALIST, THE SINUS PRESSURE WAS CAUSING PAIN TO HIS UPPER TEETH, AGAIN S. ROSENHOVER DENIED REQUEST. ON OR ABOUT MAY 1, 2007 PLAINTIFF SPOKE WITH J. FLOWERS ABOUT THE PAIN FROM SINUS INFECTION, AND NECK INJURY, HE WAS PLACED ON DR. LINE SCHEDULE. AT THE MAY 29, 2007 DR. LINE FOR CHRONIC CARE, AGAIN S. ROSENHOVER DENIED PLAINTIFF'S REQUEST TO SEE A SPECIALIST, SEE PLAINTIFF'S DECLARATION AND MAY 29, 2007 COCR 7230 IN EXHIBITS E AND H. THE CONSTANT DENIALS TO SEE A SPECIALIST AND CONTINUING TO PRESCRIBE THE SAME REGIMENS OF MEDICATIONS CAUSED PLAINTIFF TO WORRY AND FEAR OF FUTURE DENIALS REGARDING HIS MEDICAL CONDITION, SEE PLAINTIFF'S DECLARATION IN EXHIBIT E.

71. ON JUNE 20, 2007 PLAINTIFF SUBMITTED A COCR 7362 COMPLAINING OF AN EARACHE FROM THE SINUS INFECTION. ON JUNE 22, 2007 J. FLOWERS INTERVIEWED HIM PRIOR TO DR. LINE. AT THE JUNE 26, 2007 DR. LINE PLAINTIFF COMPLAINED OF PAIN TO UPPER TEETH AND EARACHE CAUSED BY PRESSURE FROM SINUS INFECTION. EXPLAINED TO S. RISENHOOVER OF HIS SINUS SCRAPED WHILE AT SAN QUENTIN, AND AGAIN REQUESTED TO SEE A SPECIALIST, AGAIN HE WAS DENIED AND INSTEAD PRESCRIBED THE SAME MEDICATION. THESE DENIALS CONTINUED TO CAUSE PLAINTIFF TO FEAR ABOUT HOW MUCH MORE PAIN HE MUST ENDURE, (SEE PLAINTIFF'S DECLARATION AND JUNE 26, 2007 COCR 7230 IN EXHIBITS E AND H. ON JULY 12, 2007 PLAINTIFF REQUESTED UNIT CONTROL BOTH C/O CLEMEN CALL MEDICAL DUE TO SINUS PAIN AND PRESSURE ON LEFT EYE¹³. AT A JULY 23, 2007 DR. LINE AGAIN A REQUEST TO SEE A SPECIALIST WAS DENIED BY S. RISENHOOVER WHO ONLY PRESCRIBED NASAL SPEARS. THIS DENIAL AGAIN CAUSED PLAINTIFF TO WORRY ABOUT HIS MEDICAL PROBLEMS AND HOW LONG HE MUST ENDURE SUFFERING BEFORE GETTING PROPER CORRECTIVE TREATMENT. AGAIN AT AN AUGUST 24, 2007 MEDICAL CHRONIC CARE VISIT AND AT NOVEMBER 13 AND 26, 2007 VISITS REQUESTS TO SEE A SPECIALIST WERE DENIED BY S. RISENHOOVER, (SEE PLAINTIFF'S DECLARATION AND COCR 7230s DATED JULY 23, 2007; AUGUST 24, 2007; AND NOVEMBER 13 AND 26, 2007 IN EXHIBITS E AND H

72. BETWEEN 1997~2000 PLAINTIFF WAS DIAGNOSED AS HAVING CROHN'S DISEASE. ON THANKSGIVING NIGHT OF 1997 PLAINTIFF EXPERIENCED LOWER ABDOMINAL PAIN AND TAKEN TO SAN QUENTIN INFIRMARY AND HELD OVERNIGHT FOR OBSERVATION. PLAINTIFF CONTINUED TO HAVE ABDOMINAL PAINS ON A WEEKLY BASIS¹⁴. IN MARCH OF 1998 HE WAS TAKEN TO SICK CALL FOR ABDOMINAL PAIN AND FOUND TO HAVE A TEMPERATURE OF 102°, TAKEN TO PRISON HOSPITAL FOR X-RAYS AND BLOOD TESTS, DURING THE TESTS PLAINTIFF FAINTED. AWAKENING AT THE EMERGENCY CLINIC STAFF WERE DISCUSSING HE HAD A TEMPERATURE OF 105°, HE WAS ADMITTED TO THE PRISON HOSPITAL FOR OBSERVATION AND TESTS AND RELEASED FIVE (5) DAYS LATER HE CONTINUED TO HAVE ABDOMINAL PAINS AND PRESCRIBED MEDICATIONS FOR PAIN, SEE MEDICAL DOCUMENTS IN EXHIBIT G.

73. IN NOVEMBER 2001 PLAINTIFF WAS TRANSFERRED TO P.B.S.P. AND ON JANUARY 2, 2002

13. WHEN CLINIC DID NOT RESPOND HOLDING C/O J. DIMMICK WENT TO THE CLINIC NOTIFYING PERSONNEL OF PLAINTIFF'S PROBLEM AND WAS TOLD HE WAS ALREADY ON A SCHEDULE FOR DR. LINE.

14. THE DR. TOLD PLAINTIFF PRISON STAFF BELIEVED HE WAS FAKING THE ILLNESS IN ORDER TO GET OUT OF THE ADJUSTMENT CENTER WHERE HE WAS HOUSED UNDER DEATH SENTENCE.

1 HE WAS TRANSFERRED TO THE LOS ANGELES COUNTY JAIL FOR RETRIAL. WHILE THERE HE WAS
 2 EXAMINED BY A GASTROENTEROLOGIST AND PLACED ON A SPECIAL DIET TO FIT HIS MEDICAL NEEDS
 3 ON MARCH 16, 2002. AND IN THE (18-20) MONTHS ON THE DIET HE EXPERIENCED ONE MINOR
 4 CROHNS FLARE-UP. SEE AUGUST 22, 2003 L.A. COUNTY MEDICAL PRINTOUT AND PLAINTIFF'S DECLARA-
 5 TION IN EXHIBITS G AND E.

6 74. ON SEPTEMBER 11, 2003 PLAINTIFF RETURNED TO PRSP-SHU ALONG WITH COUNTY JAIL
 7 MEDICAL FILE IN ORDER TO NOTIFY PRSP MEDICAL STAFF OF AND RECEIVE THE SAME TREATMENT
 8 FOR HIS CROHNS. ON OCTOBER 20, 2003 PLAINTIFF FILED A 602 REQUESTING A SPECIAL DIET,
 9 AND AN INTERNAL RESPONSE WAS DENIED BY NURSE P. BROWN. AT FIRST LEVEL, DIETITIAN
 10 J. HATTMAN REVIEWED AND PARTIALLY GRANTED 602. HOWEVER, WHAT WAS PARTIALLY GRANTED
 11 AS TO THE DIET IS UNCLEAR, NOTHING WAS CHANGED PLAINTIFF WAS NOT PLACED ON ANY SORT
 12 OF DIET. AND ALTHOUGH THIS 602 CITES A VIOLATION OF THE AMERICAN DISABILITY ACT, THAT
 13 WAS NEVER ADDRESSED. AT SECOND LEVEL (DR. D. WINSLOW AND A. K. THACKER
 14 INVESTIGATED AND REVIEWED CLAIM, DENYING 602 ON BASIS THAT THERE IS NO
 15 SPECIAL DIET FOR CROHNS' DISEASE. AT DIRECTORS LEVEL THE REVIEW CONSISTED OF
 16 NOTHING MORE THAN RUBBER STAMPING PREVIOUS LEVELS DECISIONS 602 WAS DENIED
 17 ON APRIL 21, 2004 SEE 602 NO. PRSP 03-02882 IN EXHIBIT C.

18 75. ON OR ABOUT NOVEMBER 21, 2005 GASTROENTEROLOGIST DR. SOGGE PRESCRIBED
 19 A DIARY-FREE DIET AND SCHEDULED HIM FOR A COLONOSCOPY FOR EARLY 2006. AND ON
 20 DECEMBER 19, 2005 S. RISENHOOVER REAFFIRMED PLAINTIFF'S NEED FOR DIARY-FREE
 21 DIET PRIOR TO HAVING A COLONOSCOPY. THE DIET WAS NEVER PROVIDED TO PLAINTIFF AND
 22 ON JANUARY 11, 2006 PLAINTIFF FILED A 602 AND WAS RETESTED ON MARCH 15, 2006 AS
 23 A DUPLICATE SEE 602 NO. PRSP 006-00211 IN EXHIBIT C.

24 76. ON MAY 3, 2006 PLAINTIFF FILED A 602 FOR RETALIATION AND INTERFERENCE TO RES-
 25 UES FOR MEDICAL TREATMENT. ON MAY 9, 2006 PLAINTIFF WAS OUT TO COURT FOR (28) DAYS,
 26 UPON HIS RETURN TO PRSP TIME LIMITATIONS FOR THE 602 HAD EXPIRED. SEE 602 NO. PRSP
 27 06-01026 IN EXHIBIT C. ON OR ABOUT SEPTEMBER 13, 2006 WHILE AT DR. LINES FOR
 28 A KNEE INJURY PLAINTIFF COMPLAINED TO S. RISENHOOVER OF ABDOMINAL PAINS HE

1 BELIEVED WERE CROHNS FLARE-UPS. SHE RESPONDED "YOUR NOT HERE FOR THAT, SUBMIT
 2 ANOTHER SICK CALL SLIP". THE NEXT MORNING WHILE WASHING UP PLAINTIFF FAINTED,
 3 HE TRIED CALLING OUT TO HIS NIEGHBOR JAVIER MARTINEZ. UPON REGAINING CONSCIO-
 4 USNESS HE STRUGGLED TO THE SINK AREA TO THROW COLD WATER ON HIMSELF. AT THAT
 5 TIME PRISONER MARTINEZ CAME OUT OF HIS CELL TO USE HIS MEDICATION AND NOTICED
 6 PLAINTIFF HOLDING HIMSELF UP AGAINST HIS CELL DOOR. MARTINEZ ASKED HIM
 7 IF HE WAS ALRIGHT. PLAINTIFF ASKED HIM TO NOTIFY FLOOR STAFF THAT HE NEEDED MEDICAL
 8 ATTENTION. SUBSEQUENTLY, CONTROL BOOTH STAFF WAS NOTIFIED, FOLLOWED BY C/O's
 9 K. NEELY AND J. THOM SPEAKING WITH MARTINEZ WHO EXPLAINED PLAINTIFF NEEDED
 10 MEDICAL ATTENTION, SEE DECLARATIONS OF J. MARTINEZ AND PLAINTIFF IN EXHIBIT E.

11 77. C/O's NEELY AND THOM HAD CONTROL BOOTH OPEN PLAINTIFF'S CELL, HE WOBBLER OVER TO
 12 THE VOODOOR AND EXPLAINED TO STAFF WHAT HAPPENED, C/O's RESPONDED THEY WOULD NOT-
 13 IFY THE CLINIC AND ORDERED PLAINTIFF BACK TO HIS CELL. ABOUT (5) MINUTES LATER C/O's
 14 NEELY, THOM AND R. N. J. FLOWERS CAME TO PLAINTIFF'S CELL, J. FLOWERS HAD PLAINTIFF
 15 HANDCUFFED IN ORDER TO TAKE HIS VITAL'S. J. FLOWERS STATED PLAINTIFF NEEDED TO GO
 16 TO THE CLINIC, HE WAS PLACED IN A WHEEL CHAIR AND ESCORTED TO "D" FACILITY CLINIC UNTIL
 17 HIS VITAL'S STABILIZED. THAT WAS THE EXTENT OF MEDICAL ATTENTION, HOWEVER AS A
 18 RESULT OF THE FAINTING HE WAS PLACED ON "FAST TRACK" TO SEE THE GASTROENTEROLOGIST,
 19 SEE PLAINTIFF'S DECLARATION AND SEPTEMBER 14, 2006 COCR 7230 IN EXHIBITS E AND G.

20 78. ON OR ABOUT OCTOBER 6, 2006 PLAINTIFF UNDERWENT A COLONOSCOPY BY DR. MART-
 21 INELLI AT SUTTER WEST HOSPITAL. ON NOVEMBER 13, 2006 PLAINTIFF HAD A INTERVIEW WITH
 22 DR. MARTINELLI TO DISCUSS TEST RESULTS. AT WHICH TIME PLAINTIFF EXPLAINED OF HAVING
 23 BAD REACTIONS FROM EATING DIARY PRODUCTS, EGGS, SPICY AND GREASY FOODS.
 24 DR. MARTINELLI STATED THAT "THEY (PRSP MEDICAL STAFF AND ADMINISTRATION) FROWN ON ME
 25 BRIBING SPECIAL DIETS". AND ALSO STATED TO PLAINTIFF THE REVIEW COULD NOT BE COMPLE-
 26 TED BECAUSE THE COLONOSCOPY REPORT WAS INCOMPLETE, ONE OF THE TWO-PAGE REPORT
 27 WAS MISSING. PLAINTIFF HAS ATTEMPTED TO OBTAIN THE TWO PAGE REPORT NOT UNTIL JANUARY
 28 WAS HE GIVEN AN OLSON MEDICAL REVIEW, BUT DID NOT OBTAIN THE REPORT.

79. ON DECEMBER 13, 2006 PLAINTIFF FILED A 602 IN RELEVANT PART. ON NOVEMBER 13, 2006 HE WAS SEEN BY DR. MARTINELLI (TO DISCUSS RESULTS OF COLONOSCOPY) THIS CONSULTATION WAS HELD WITHOUT THE BENEFIT OF A COMPLETE COLONOSCOPY REPORT. AT INFORMAL LEVEL J. FLOWERS DENIED THE 602 BASED ON DR. MARTINELLI'S COMMENTS ASSENT THE BENEFIT OF THE COMPLETE REPORT. AT FIRST LEVEL REVIEW APPEAL PROCEDURES CCRIS SECTION 3084.5 (c) WERE VIOLATED BY S. RISENHOWER WHEN SHE PARTICIPATED IN THE REVIEW ON THE BASIS THAT SHE WAS PART OF THE APPEAL COMPLAINT. AT SECOND LEVEL J. KRAVITZ AND M. McLEAN INVESTIGATED AND REVIEWED THE CLAIM WHO CONCLUDED AS TO THE CROHN'S DISEASE, ITS NORMAL TO HAVE OCCASIONAL DISCOMFORT AND NOTHING IS IN THE RECORD TO SUBSTANTIATE THE CLAIM OF SUBSTANDARD CARE. PLAINTIFF HAS CONSISTENTLY COMPLAINED OF THE ONGOING PAIN FROM CROHN'S FLARE-UPS TRIGGERED BY CERTAIN FOODS. PLAINTIFF HAS CONSISTENTLY GONE THROUGH THE SAME REGIMEN OF MEDICATIONS RESULTING IN NO CHANGE, AND MAKE HIM SICK. J. KRAVITZ AND M. McLEAN PARTIALLY GRANTED ALTHOUGH DO NOT REFERENCE WHAT IS PARTIALLY GRANTED. AT THIRD LEVEL REVIEW BY C. HALL HE DID NOT CONSIDER THE CONSISTENT REGIMENS OF SAME MEDICATIONS THAT NEITHER ALLUATE FLARE-UPS OR PAIN; THE INCOMPLETE COLONOSCOPY REPORT OR S. RISENHOWER'S PARTICIPATION IN THE APPEAL PROCESS. APPEAL WAS EXHAUSTED ON JULY 3, 2007 SEE 602 APPEAL NO. PBSP 07-00131 IN EXHIBIT C.

80. PLAINTIFF FILED TWO (2) 602 APPEALS ON I.C.I. STAFF, (WHO UNDER INFORMATION AND BELIEF ARE A PART OF THE GREEN WALL CORRECTIONAL PRISON GANG) REGARDING HIS MAIL. THE FIRST FILED ON MAY 31, 2007 (PBSP 07-01271) CLAIMING RETALIATION AND EMPLOYEE MISCONDUCT ON I.C.I. STAFF FOR STEALING AND/OR WITHHOLDING HIS MAIL FOR FILING GRIEVANCE CLAIMING SUBJECTION TO EXCESSIVE USE OF FORCE. THE SECOND FILED ON JUNE 1, 2007 (PBSP 07-01299) CLAIMING GENERATING AND PLACING FALSE INFORMATION IN PRISON FILE VIOLATIVE OF CALIFORNIA INFORMATION PRACTICE ACT BY J. PUENTE IN RETALIATION FOR FILING GRIEVANCE OF EXCESSIVE USE OF FORCE BY NUMEROUS GREEN WALL EMBEDDED I.C.I. UNIT STAFF. ON MAY 18, 2007 J. PUENTE STOPPED A PUBLICATION SENT TO PLAINTIFF WHICH WAS A PAMPHLET FROM

1 A COCR APPROVED VENDOR, AND ISSUED PLAINTIFF A COCR 128-B CHRONO¹⁵ WHEN PRISON
 2 REGULATIONS AND OPERATIONAL PROCEDURES (CCRIS § 3147(a)(5)(A); OP 20.5 (5))
 3 MANDATE ISSUING A COCR 1819 FORM WHEN MAIL IS DISAPPROVED. IN THE 128-B
 4 J. PUENTE REFERENCES "RETAINED BY INVESTIGATING SERVICES UNIT FOR INVESTIGATION /
 5 POTENTIAL DISCIPLINARY OR COURT PROCEEDINGS". PLAINTIFF ASSERTS THAT J. PUENTE
 6 AS PART OF THE GREEN WALL EMBEDDED I.B.I. UNIT CONVOYED A POLICY OF ISSUING COCR
 7 128-B INSTEAD OF COCR 1819 FORMS. IN ORDER TO HAVE INFORMATION (OFTEN FALSELY
 8 CREATED) PLACED IN PRISON FILE THAT SUPERFICIALLY WILL APPEAR TO SUPPORT THE
 9 I.B.I. UNITS AGENDA THAT THEIR POLICIES ARE FOR PRISON SAFETY AND SECURITY.
 10 BOTH 602 APPEALS WERE BYPASSED TO 2ND LEVEL REVIEW, COMBINED UNDER ONE
 11 REVIEW AND BOTH DENIED BY LT. W. ANTHONY AND CAPT. K. BRAUNTON. SUBSE-
 12 QUENTLY BOTH 602s WERE SUBMITTED TO DIRECTOR'S REVIEW, THE REVIEWER WAS R.
 13 PIMENTEL. WHO ELECTED TO ADDRESS ONLY 602 NO. 07-01299 MAKING REFERENCE
 14 TO THE PUBLICATION AND ISSUANCE OF COCR 128-B AND DOES NOT ADDRESS THE I.P.A.
 15 REGULATION, EMPLOYEE MISCONDUCT OR FAILURE TO FOLLOW REGULATIONS AS TO MAIL.
 16 APPEAL WAS DENIED ON DECEMBER 8, 2007. SEE 602 NO. PBSPO7-01299 IN EXHIBIT B.

17 81. ON JULY 28, 2007 PLAINTIFF'S CORRESPONDANT FILED TWO CITIZENS COMPLAINTS
 18 ON J. PUENTE, C. COUTERS, LT. W. ANTHONY AND CAPT. K. MCGUYER FOR ISSUING THE
 19 COCR 128-B WHEREBY SHE WAS SENT A COPY. THEIR ISSUANCE BEING TARTANLANT
 20 TO ALLEGING THAT SHE IS INVOLVED IN CRIMINAL ACTIVITIES LT. R. RINE WAS ASSIGNED
 21 TO THE COMPLAINT ON SEPTEMBER 28, 2007. AND THE COMPLAINT WAS GRANTED AS
 22 TO CORRESPONDANT AND THE CARDS RETURNED TO HER. HOWEVER, THAT THE COCR
 23 128-B WOULD NOT BE REMOVED FROM PLAINTIFF'S FILE AS IT IS PERMANENT RECORD IN
 24 HIS FILE SEE SEPTEMBER 28, 2007 CITIZENS COMPLAINT RESPONSE IN EXHIBIT D

25 82. ON NOVEMBER 19, 2007 PLAINTIFF FILED A 602 DIRECTED AT S. RISENTHOEVER
 26 FOR DELIBERATE INTERFERENCE TO MEDICAL NEEDS AND DISCRIMINATING FOR BEING

27 15. NOT REFERENCED ARE CARDS THAT WERE SENT WITH THE CROLOG. UNDER INFORMATION AND
 28 THE COCR 128-B ARE ISSUED AND USED AS A TOOL BY THE I.B.I. TO GENERATE FALSE DOCUMENTATION
 TO INDICATE GANG ACTIVITY, AND BEGINNING FABRICATED DOCUMENTIVE EVIDENCE THAT CAN BE
 AND IS RELIED UPON AT ANY FUTURE TIME AS NEEDED.

1 HOUSED IN THE BANG CORRIDOR, SPECIFICALLY SINUS INFECTION AND CROHN'S DISEASE.
 2 PLAINTIFF REQUESTED TO BE TREATED FOR SEVER SINUS PAIN AND HAVE SINUS CLEARED
 3 OF CYST. AND MEDICAL STAFF WERE ACTING DELIBERATELY INDIFFERENT TO MED-
 4 ICAL NEEDS AND DISCRIMINATORILY FOR HOUSING¹⁵. AT INFORMAL LEVEL J. FLOWERS RESP-
 5 ONDED TO APPEAL WHEN APPEAL PROCEDURE MANIFESTED THAT S. RISENHOWER RESPONDED.
 6 AT FIRST LEVEL C. GOROSCOPE CONDUCTED THE REVIEW ALONG WITH M. SAYRE. THE SINUS
 7 CONDITION WAS PARTIALLY GRANTED BUT DENIED THE DELIBERATE INDIFFERENCE AND
 8 DISCRIMINATION CLAIM. HOWEVER, TO DATE OTHER THAN THE SAME MEDICATIONS,
 9 NOTHING HAS BEEN DONE FOR HIS SINUS INFECTION OR CROHN'S DISEASE. AT SECOND
 10 LEVEL M. McLENN AND J. KRAVITZ CCII REVIEWED THE APPEAL AND PARTIALLY
 11 GRANT AS TO THE SINUS INFECTION AND DENY THE MEDICAL DELIBERATE INDIFFERENCE
 12 AND DISCRIMINATION CLAIM. YET TO DATE OTHER THAN PRESCRIBING SAME MEDICATIONS
 13 HIS SINUS INFECTION PERSISTS. AT THIRD LEVEL, REVIEW AMOUNTED TO NOTHING MORE
 14 THAN RECAPPING THE LOWER LEVEL REVIEWS. PLAINTIFF CONTINUES TO SUFFER
 15 PAIN CAUSED BY THE SINUS INFECTION SEE 602 NO. PBSPO7-11548 IN EXHIBIT C.

16 83. ON MARCH 4, 2008 PLAINTIFF FILES A 602 CLAIMING INADEQUATE MEDICAL
 17 CARE IN RETALIATION FOR FILING A § 1983 CIVIL RIGHT ACTION, IN PART FOR INADEQUATE
 18 MEDICAL ATTENTION AND TREATMENT. AT INFORMAL LEVEL J. FLOWERS PARTIALLY
 19 GRANTED APPEAL STATING "YOU ARE GETTING ADEQUATE MEDICAL CARE." AT FIRST LEVEL
 20 S. RISENHOWER GRANTED APPEAL AND ESSENTIALLY ACKNOWLEDGED THAT PLAINTIFF
 21 HAD BEEN MADE TO SUFFER. BELIEVING THAT WITH THE GRANTING OF APPEAL HIS
 22 MEDICAL PROBLEMS WERE FINALLY TO BE CORRECTED PLAINTIFF SAW NO NEED TO CONT-
 23 INUE THE APPEAL, SEE 602 NO. 1A-18-2008-11910 IN EXHIBIT C.

24 84. ON FEBRUARY 27, 2008 PLAINTIFF WENT TO COR. LINE FOR HIS RIGHT KNEE WHILE
 25 EXPLAINED TO S. RISENHOWER THERE WAS BLOOD IN HIS STOOL HER RESPONSE WAS "YOUR
 26 NOT HERE FOR THAT. PUT A SICK CALL SLIP IN." ON MARCH 3, 2008 PLAINTIFF EXPLAIN-
 27 ED TO LVN KAREN APOLIS THAT HIS CROHN'S MEDICATION HAD NOT BEEN REFILLED IN

28 15. UNDER INFORMATION AND BELIEF AT THE DIRECTION OF THE GREEN WALL EMBEDDED
 I.B.I. UNIT MEDICAL STAFF IS ENCOURAGED TO DELAY OR DENY MEDICAL ATTENTION AND TREATMENT
 TO PRISONERS HOUSED IN THE BANG CORRIDOR. IN AN EFFORT TO BREAK THEIR WILL AND ROBBER
 THEM INTO DEBRIEFING.

1 TEN DAYS AND THE PHARMACY WOULD NOT ACT UPON REQUESTS FOR REFILL VIA COCR 7362
 2 FORMS. PLAINTIFF HAD SUBMITTED (3) REQUESTS, ONE WAS RETURNED STATING THAT J.
 3 FLOWERS WOULD BE NOTIFIED. ON MARCH 4, 2008 PLAINTIFF NOTIFIED HOUSING STAFF
 4 J. DIMMICK OF HAVING BLOODY STOOLS DUE TO NO MEDICATIONS. ON MARCH 5, 2008 SENT
 5 A COCR 7362 FORM DUE TO CROHNS FLARE-UP AND NEEDING MEDICATIONS.
 6 ON MARCH 6, 2008 J. FLOWERS AND UNKNOWN MEDICAL STAFF CAME TO HOUSING POOL DOOR
 7 FOR THE COCR 7362 SUBMITTED ON MARCH 5TH. J. FLOWERS WOULD SCHEDULE FOR
 8 DR. LINE. ON MARCH 7, 2008 SUFFERED ANOTHER CROHNS' FLARE-UP WENT TO
 9 SEE J. FLOWERS AT DR. LINE HE TOOK UTALS, PLAINTIFF EXPLAINED THE CROHNS
 10 FLARE-UP WAS CAUSED BY LACK OF MEDICATIONS, HE WAS SENT BACK TO HIS CELL.
 11 ON MARCH 10, 2008 SAW S. RISENHOWER AT DR. LINE, PLAINTIFF EXPLAINED THAT THE
 12 CROHNS FLARE-UP WAS CAUSED BY MEDICAL STAFF AND PHARMACY'S INCOMPETENCE BY
 13 STOPPING HIS MEDICATIONS AND J. FLOWERS NOT BOTHERING TO CHECK. ON MARCH 30,
 14 2008 SUBMITTED ANOTHER COCR 7362 FOR SINUS INFECTION. AND ON APRIL 1, 2008
 15 J. FLOWERS RESPONDED AT HOUSING POOL DOOR STATING IT WOULD BE WHILE MAYBE TWO
 16 WEEKS BEFORE S. RISENHOWER COULD SEE ME FOR THE SINUS INFECTION BECAUSE SHE
 17 OVERSEES BOTH SHU FACILITIES BECAUSE A DOCTOR HAD QUIT. PLAINTIFF EXPLAINED
 18 TO J. FLOWERS HE HAD A FEVER, BLOODY MUCUS AND PUS AS WELL AS PAIN FROM
 19 SINUS PRESSURE, J. FLOWERS DID NOTHING. LATER THE SAME DAY THE FEVER
 20 CAUSED PLAINTIFF TO AGAIN CALL FOR MEDICAL ATTENTION. THIRD WATCH LUN
 21 MACALLISTER TOOK PLAINTIFF'S TEMPERATURE WHICH WAS AT 101.3 DEGREES AND
 22 PROVIDED PLAINTIFF WITH ANTIBIOTICS. SEE PLAINTIFF'S DECLARATION IN EXHIBIT E.

23 25. ON MAY 27, 2008 PLAINTIFF WENT TO DR. LINE FOR HIS SINUS INFECTION. HOWEVER,
 24 WAS REFUSED MEDICAL ATTENTION BECAUSE HE WAS UNABLE TO "STRADDLE" THE SECURITY
 25 STOOL WHILE MY ANKLES WERE CHAINED BECAUSE OF MY KNEE INJURY. MEDICAL ESCORT
 26 % WILLIAMS ORDERED PLAINTIFF TO SIT OR LEAVE, HE EXPLAINED DUE TO HIS KNEE INJURY
 27 THE KNEE WILL POP IF HE COULD NOT EXTEND HIS LEG. S. RISENHOWER INTERJECTED THAT
 28 PLAINTIFF COULD LAY ON THE EXAMINATION TABLE % WILLIAMS DID NOT RESPOND TO HER

1 AND ORDERED PLAINTIFF TO LEAVE, THE MEDICAL VISIT WAS TERMINATED. SUBSEQUENTLY, S. RISEN-
 2 HOWER PLACED IN PLAINTIFF'S MEDICAL FILE THAT HE REFUSED MEDICAL TREATMENT.¹⁶

3 86. ON JUNE 24, 2008 PLAINTIFF HAD AN ALLERGIC REACTION AND COULD NOT BREATHE, A LVN
 4 CAME, TOOK HIS VITALS AND STATED J. FLOWERS WOULD BE BACK TO SEE HIM. ON JUNE 25, 2008
 5 J. FLOWERS SAW PLAINTIFF AND STATED HE WOULD SEE S. RISEN-HOWER SOON AS POSSIBLE.
 6 ON JULY 2, 2008 WHILE AT DR. LILIE FOR SINUS INFECTION AND ALLERGIES HAD A BLOOD TEST TAKEN,
 7 S. RISEN-HOWER ORDERED ANTIBIOTICS FOR INFECTION RENEWED NASAL SPRAYS AND CROHNS MEDICATION,
 8 AND WOULD CALL BACK PLAINTIFF IN TWO WEEKS FOR A FOLLOW-UP. ON JULY 14, 2008 PLAINTIFF
 9 RECEIVED NOTICE OF BLOOD TEST RESULTS NOT WITHIN NORMAL LIMITS AND WOULD BE DISCUSSED
 10 AT NEXT SCHEDULED VISIT. SEE LAB TEST RESULTS IN EXHIBIT D.

11 87. ON DECEMBER 5, 2007 PLAINTIFF FILED A CLAIM WITH THE CALIFORNIA VICTIMS
 12 COMPENSATION AND GOVERNMENT CLAIMS BOARD. AND ON DECEMBER 21, 2008 THE
 13 CLAIM WAS DENIED, SEE CLAIM DENIAL IN EXHIBIT D.

14

15 VII. FACTS PERTAINING TO DEFENDANTS INTENT

16 88. DEFENDANTS HAVE INTENTIONALLY ATTACKED PLAINTIFF WHILE HANDCUFFED BY USE OF
 17 FORCE CAUSING BODILY INJURY AND MENTAL SUFFERING.

18 89. THE ASSAULT WAS IN REVENGE FOR PLAINTIFF FILING GRIEVANCES OF EMPLOYEE MIS-
 19 CONDUCT FOR DISALLOWING MAIL UNDER THE PRETEXT THAT ON FEBRUARY 2, 2007 PLAINTIFF
 20 REFUSED TO TAKE ADDITIONAL PHOTOS FOR A DEFENDANTS PERSONAL USE.

21 90. DIRECT EVIDENCE OF DEFENDANTS INTENT OF EXCESSIVE USE OF FORCE AND NUMEROUS
 22 FILING OF GRIEVANCES BY PLAINTIFF ON I. B. I. STAFF PRIOR TO FEBRUARY 2, 2007.

23 91. DIRECT EVIDENCE OF DEFENDANTS INTENT IS, SUBSEQUENT TO PLAINTIFF FILING EXCESSIVE USE
 24 OF FORCE GRIEVANCE, DEFENDANTS ISSUED A R. V. R., SEE EXHIBIT D.

25 92. DEFENDANTS HAVE BEEN DELIBERATE AND INDIFFERENT TO PLAINTIFFS RIGHT TO BE SAFE
 26 FROM UNWARRANTED HARM. EVIDENCE OF DEFENDANTS STATE OF MIND IS FOUND IN THE CHAIN
 27 OF EVENTS PRIOR TO FEBRUARY 2, 2007 AND AFTER.

28 93. CIRCUMSTANTIAL EVIDENCE OF DEFENDANTS STATE OF MIND IS PROVIDED BY DEFENDANTS

16. PLAINTIFF FILED A 602 ON THIS DENIAL OF MEDICAL ATTENTION REFERENCING S. RISEN-HOWER'S
 STATEMENT, HOWEVER, AT TIME OF THIS ANSWERED COMPLAINT THE 602 IS IN PROCESS.

1 SYSTEMATIC DENIAL OF OR OUTHRIGHT CANCELLATION OF CRIEVANCES FILED.

2 94. DEFENDANTS, IN RETALIATION HAVE INTENTIONALLY FOUND PLAINTIFF GUILTY OF THE
3 RULES INFRECTION ABSENT PROVIDING HIM WITH A FAIR HEARING.

4 95. DIRECT EVIDENCE OF DEFENDANTS' INTENT IS THE TIMING OF FILING THE R. V. R.

5 96. EVIDENCE OF DEFENDANTS STATE OF MIND IS PROVIDED BY NOT AFFORDING PLAINTIFF
6 A STAFF ASSISTANT OR THE PRESENCE OF REQUESTED WITNESSES AT DISCIPLINARY HEARING.

7 97. DEFENDANTS HAVE INTENTIONALLY CHOSEN NOT TO PROVIDE PLAINTIFF WITH THE ADEQUATE
8 MEDICAL ATTENTION AND TREATMENT ENTITLED HIM REGARDING HIS CROHNS DISEASE.

9 98. DIRECT EVIDENCE OF DEFENDANTS' INTENT TO NOT PROVIDE ADEQUATE MEDICAL
10 TREATMENT IS THE REPETITIOUS REGIMENS OF SAME MEDICATIONS AND LEADING EVIDENCE OF
11 HIS FACTUAL NEED FOR CURATIVE MEDICAL TREATMENT

12 99. DEFENDANTS HAVE BEEN DELIBERATE AND INDIFFERENT TO PLAINTIFF'S NEED FOR PROPER
13 TREATMENT. EVIDENCE OF DEFENDANTS' STATE OF MIND IS THEIR FAILURE TO GO BEYOND MINIMUM
14 PERFUNCTORY MEDICAL ATTENTION AND TREATMENT AND ABSENCE OF ANY JUSTIFIABLE REASON NOT
15 TO TREAT PLAINTIFF ADEQUATELY.

16 100. CIRCUMSTANTIAL EVIDENCE OF DEFENDANTS' STATE OF MIND IS BY DEFENDANTS' SYSTEMATIC
17 DENIAL OF FAIR CRIEVANCE REVIEWS, SEE 602 APPEALS IN EXHIBIT C.

18 101. DEFENDANTS INTENTIONALLY CHOOSE NOT TO PROVIDE PLAINTIFF WITH ADEQUATE MEDICAL
19 ATTENTION AND TREATMENT REGARDING HIS CHRONIC SINUS CONDITION.

20 102. DIRECT EVIDENCE OF DEFENDANTS' INTENT NOT TO PROVIDE ADEQUATE MEDICAL
21 TREATMENT IS THE REPETITION OF SAME REGIMEN OF NASAL TREATMENT AND DEMYING NASAL SCRAPES.

22 103. DEFENDANTS HAVE BEEN DELIBERATE AND INDIFFERENT TO PLAINTIFF'S NEED FOR PROPER
23 CORRECTING TREATMENT. EVIDENCE OF DEFENDANTS' STATE OF MIND IS THEIR FAILURE TO GO BEYOND
24 THE MINIMUM PERFUNCTORY MEDICAL ATTENTION AND THE ABSENCE OF ANY JUSTIFIABLE REASON
25 NOT TO ADEQUATELY TREAT PLAINTIFF

26 104. CIRCUMSTANTIAL EVIDENCE OF DEFENDANTS STATE OF MIND IS PROVIDED BY DEFENDANTS
27 SYSTEMATIC DENIAL OF FAIR CRIEVANCE REVIEWS. SEE 602s IN EXHIBIT C.

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VII. EXHAUSTION OF ADMINISTRATIVE REMEDIES

105. PLAINTIFF HAS EXHAUSTED ADMINISTRATIVE REMEDIES AS FOLLOWS:

A) INMATE COCR 602 LOG NO. PBSP-07-00389, RE: RETALIATORY EXCESSIVE USE OF FORCE CAUSING BODILY INJURY BY GREEN WALL I.G.I. STAFF, EXHAUSTED JUNE 25, 2007, SEE EXHIBIT A

B) INMATE COCR 602 LOG NO. PBSP-07-00866, RE: DENIAL OF MEDICAL TREATMENT RESULTING FROM EXCESSIVE USE OF FORCE, EXHAUSTED JULY 8, 2007, SEE EXHIBIT A.

C) INMATE COCR 602 LOG NO. PBSP-07-00717, RE: DENIAL OF MEDICAL CARE EXHAUSTED SEPTEMBER 29, 2007, SEE EXHIBIT A

D) INMATE COCR 602 LOG NOS. PBSP-07-01299 (PBSP-07-01271 ATTACHED), RE: RETALIATORY ACTS, DENYING MAIL, EMPLOYEE MISCONDUCT, EXHAUSTED DECEMBER 8, 2007, SEE EXHIBIT B

E) INMATE COCR 602 LOG NO. PBSP-07-00073, RE: DENIAL OF INCOMING MAIL BY I.G.I., ARBITRARILY CANCELLED FEBRUARY 28, 2007, SEE EXHIBIT B

F) INMATE COCR 602 LOG NO. PBSP-07-00130, RE: DENIAL OF INCOMING MAIL BY I.G.I. ARBITRARILY CANCELLED FEBRUARY 21, 2007, SEE EXHIBIT B

G) INMATE COCR 602 LOG NO. PBSP-06-02663, RE: I.G.I. NEGLIGENCE MISHANDLING OF MAIL, EXHAUSTED MARCH 21, 2007, SEE EXHIBIT B

H) INMATE COCR 602 LOG NO. PBSP-06-02070, RE: MAIL DENIAL BY I.G.I. EXHAUSTED FEBRUARY 2, 2007, SEE EXHIBIT B

I) INMATE COCR 602 LOG NO. PBSP-06-02263, RE: DENIAL OF INCOMING MAIL BY I.G.I. EXHAUSTED FEBRUARY 20, 2007. SEE EXHIBIT B

J) INMATE COCR 602 LOG NO. PBSP-07-00131, RE: DENIAL OF MEDICAL ATTENTION AND TREATMENT, EXHAUSTED JULY 3, 2007, SEE EXHIBIT C

K) INMATE COCR 602 LOG NO. PBSP-06-01026, RE: MEDICATIONS FOR CROHN'S DISEASE GRANTED AT FIRST LEVEL JUNE 29, 2006 SEE EXHIBIT C

L) INMATE COCR 602 LOG NO. PBSP-07-203 RE: DENIAL OF ADEQUATE MEDICAL ATTENTION AND TREATMENT, EXHAUSTED JUNE 27, 2007, SEE EXHIBIT C

M) INMATE COCR 602 LOG NO. PBSP-06-00211, RE: DENIED MEDICAL CLAIM AS A DUPLICATE JANUARY 30, 2006, SEE EXHIBIT C

N) INMATE COCR 602 LOG NO. PBSP-04-03262, RE: DENIAL OF SPECIAL

DIET FOR CROHN'S DISEASE, EXHAUSTED AUGUST 9, 2005, SEE EXHIBIT C.

C.) INMATE CDCR 602 LOG NO. PBSP 03-02882, RE: DENIAL OF SPECIAL DIET FOR CROHN'S DISEASE, EXHAUSTED APRIL 21, 2004, EXHIBIT C

D.) INMATE CDCR 602 LOG NO. PBSP 07-11548, RE: DENIAL OF MEDICAL ATTENTION FOR SINUS INFECTION, EXHAUSTED APRIL 30, 2008, SEE EXHIBIT C

E.) INMATE CDCR 602 LOG NO. PBSP-1A-18-2008-11910, RE: DENIAL OF MEDICAL ATTENTION IN RETALIATION FOR FILING FEDERAL CIVIL COMPLAINT, GRANTED APRIL 29, 2008, SEE EXHIBIT C

F.) CALIFORNIA VICTIMS COMPENSATION AND GOVERNMENT CLAIMS BOARD CLAIM DENIED ON FEBRUARY 29, 2008, SEE EXHIBIT D

G.) CDCR 7221 FORMS: PHYSICIANS ORDERS, SEE EXHIBITS F, G, H

H.) CDCR 7230 FORMS: PHYSICIAN PROGRESS NOTES, SEE EXHIBITS F, G, H

I.) CDCR 7263 FORMS: REQUESTS FOR MEDICAL ATTENTION, SEE EXHIBITS F, G, H

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VIII LEGAL CLAIMSFIRST CAUSE OF ACTION

(FIRST AND EIGHTH AMENDMENTS ~ SUBSTITUTION TO RETALIATORY EXCESSIVE USE OF FORCE CAUSING BODILY INJURY FOR PETITIONING THE GOVERNMENT FOR REDRESS OF GRIEVANCES)

106. PLAINTIFF INCORPORATES BY REFERENCE ALL ALLEGATIONS CONTAINED IN PARAGRAPHS 1 THROUGH 105

107. DEFENDANTS, IN RETALIATION FOR FILING GRIEVANCES AGAINST THEM, WANTONLY APPLIED EXCESSIVE USE OF FORCE UPON PLAINTIFF WHILE HANDCUFFED, CAUSING BODILY INJURY.

108. DEFENDANTS WANTONLY SUBJECTED PLAINTIFF TO EXCESSIVE USE OF FORCE CAUSING PLAINTIFF TO NOW SUFFER MENTAL FEAR AND ANGUISH OF FUTURE ASSAULTS BY GREEN HILL I.G.I. DEFENDANTS.

109. DEFENDANTS WERE DELIBERATE AND INDIFFERENT TO PLAINTIFFS' CONSTITUTIONAL RIGHT TO FILE GRIEVANCES AND BE FREE FROM UNNECESSARY PHYSICAL HARM VIOLATIVE OF FIRST AND EIGHTH AMENDMENT.

SECOND CAUSE OF ACTION

(EIGHTH AMENDMENT CRUEL AND UNUSUAL PUNISHMENT ~ DELIBERATE INDIFFERENCE TO INADEQUATE MEDICAL TREATMENT)

110. PLAINTIFF INCORPORATES BY REFERENCE ALL ALLEGATIONS CONTAINED IN PARAGRAPHS 1 THROUGH 105

111. DEFENDANTS PROVIDED PLAINTIFF WITH INADEQUATE MEDICAL TREATMENT SUBSEQUENT TO MEDICAL DIAGNOSIS THAT PLAINTIFF SUFFERS FROM CROHN'S DISEASE.

112. DEFENDANTS PROVIDED PLAINTIFF WITH INADEQUATE MEDICAL TREATMENT WHEN DENYING A SPECIAL DIET TO ALLUVIATE PAIN SUFFERED AS A RESULT OF THE CROHN'S DISEASE.

113. DEFENDANTS HAVE CONTINUOUSLY RESPONDED PERFUNCTORY TO PLAINTIFFS' CONSISTENT REQUESTS FOR PROPER MEDICAL TREATMENT FOR HIS CROHN'S DISEASE.

114. DEFENDANTS HAVE CONTINUOUSLY PROVIDED PLAINTIFF WITH INADEQUATE MEDICAL TREATMENT BY PRESCRIBING GENERALIZED MEDICATIONS FOR HIS CROHN'S DISEASE AND REDUCING THE AMOUNT OF MEDICATION FOR THE CROHN'S DISEASE.

115. DEFENDANTS HAVE CONTINUED TO BE DELIBERATE AND INDIFFERENT TO PLAINTIFFS' MEDICAL NEEDS WHEN FAILING TO PROVIDE PROPER MEDICAL TREATMENT FOR HIS CROHN'S DISEASE.

116. DEFENDANTS HAVE AT ALL TIMES BEEN FULLY AWARE OF THE CONTINUOUS SUFFERING PLAINTIFF HAS HAD TO AND CONTINUES TO ENDURE AND SHOULD HAVE BEEN AWARE OF OTHER SPECIALIZED TREATMENT AVAILABLE FOR CHRONIC DISEASE SUFFERERS.

117. DEFENDANTS HAVE DENIED PLAINTIFF THE ADEQUATE MEDICAL TREATMENT ENTITLED TO HIM IN VIOLATION OF THE EIGHTH AMENDMENT RIGHT TO BE FREE FROM CRUEL AND UNUSUAL PUNISHMENT.

118. DEFENDANTS PROVIDED PLAINTIFF WITH INADEQUATE MEDICAL TREATMENT SUBSEQUENT TO THE MEDICAL DIAGNOSIS THAT PLAINTIFF SUFFERS FROM CHRONIC SINUS CONDITION.

119. DEFENDANTS HAVE PROVIDED PLAINTIFF WITH INADEQUATE MEDICAL TREATMENT WHEN DENYING PLAINTIFF'S CONSISTENT REQUESTS TO SEE A SPECIALIST FOR HIS CHRONIC SINUS CONDITION.

120. DEFENDANTS HAVE CONTINUOUSLY RESPONDED PERFUNCTORY TO PLAINTIFF'S CONSISTENT REQUESTS FOR PROPER MEDICAL TREATMENT FOR HIS CHRONIC SINUS CONDITION.

121. DEFENDANTS HAVE CONTINUOUSLY PROVIDED PLAINTIFF WITH INADEQUATE MEDICAL TREATMENT CONSISTING OF REPEATIVE REGIMENS OF NASAL SPRAYS.

122. DEFENDANTS HAVE PROVIDED PLAINTIFF WITH INADEQUATE MEDICAL ATTENTION WHEN REFUSING PLAINTIFF'S REQUESTS FOR X-RAY OF NASAL CAVITY.

123. DEFENDANTS HAVE CONTINUED TO BE DELIBERATE AND INDIFFERENT TO PLAINTIFF'S MEDICAL NEEDS WHEN FAILING TO PROVIDE PROPER MEDICAL TREATMENT FOR HIS CHRONIC SINUS CONDITION.

124. DEFENDANTS HAVE AT ALL TIMES BEEN AWARE OF THE CONTINUOUS SUFFERING PLAINTIFF HAS HAD TO ENDURE AND SHOULD HAVE BEEN AWARE OF OTHER PROCEDURES AND TREATMENTS AT THEIR DISPOSAL TO ALLVATE PLAINTIFF'S SUFFERING.

125. DEFENDANTS PROVIDED PLAINTIFF WITH INADEQUATE MEDICAL ATTENTION FOR INJURIES OCCURRING WHEN SUBJECTED TO EXCESSIVE USE OF FORCE BY GREEN WALL I.B.I. DEFENDANTS.

126. DEFENDANTS PROVIDED PLAINTIFF WITH INADEQUATE MEDICAL TREATMENT WHEN DENYING PLAINTIFF PHYSICAL THERAPY FOR INJURIES OCCURRING WHEN SUBJECTED TO EXCESSIVE USE OF FORCE BY GREEN WALL I.B.I. DEFENDANTS

127. DEFENDANTS WERE DELIBERATE AND INDIFFERENT TO PLAINTIFF'S PHYSICAL SUFFERING AND MEDICAL NEEDS FROM INJURIES OCCURRING WHEN SUBJECTED TO EXCESSIVE USE OF FORCE BY GREEN WALL I.B.I. DEFENDANTS IN VIOLATION OF THE EIGHTH AMENDMENT.

THIRD CAUSE OF ACTION

(FIRST AND FOURTEENTH AMENDMENTS ~ RIGHT TO PETITION THE GOVERNMENT FOR REDRESS OF GRIEVANCES, RIGHT TO COMMUNICATE WITH SOCIETY AND RIGHT TO EQUAL PROTECTION)

128. PLAINTIFF INCORPORATES BY REFERENCE ALL ALLEGATIONS CONTAINED IN PARAGRAPHS 1 THROUGH 105.

129. DEFENDANTS HAVE DENIED PLAINTIFF CONTACT WITH THE GENERAL COMMUNITY NAMELY, BY DENYING MAIL CORRESPONDENCE.

130. DEFENDANTS HAVE DENIED PLAINTIFF MAIL CORRESPONDENCE ABSENT ANY EVIDENCE OF MISCONDUCT, NAMELY VIOLATION OF PRISON RULES.

131. DEFENDANTS HAVE DENIED PLAINTIFF AN OPPORTUNITY FOR ANY MEANINGFUL CHALLENGE TO DENIAL OF MAIL CORRESPONDENCE BY CANCELLING 602 FILED. LIKE ANY OTHER SIMILARLY SITUATED PRISONER PLAINTIFF IS ENTITLED TO FILE GRIEVANCE ABSENT ANY BASIS FOR DENYING FILING OF GRIEVANCE. THESE ACTS BY DEFENDANTS ARE VIOLATIVE OF PLAINTIFF'S CONSTITUTIONALLY PROTECTED RIGHTS UNDER THE FIRST AND FOURTEENTH AMENDMENTS.

FOURTH CAUSE OF ACTION

(FIRST, FIFTH AND FOURTEENTH AMENDMENTS ~ DENIAL OF LIBERTY INTEREST ABSENT THE DUE PROCESS OF LAW)

132. PLAINTIFF INCORPORATES BY REFERENCE ALL ALLEGATIONS CONTAINED IN PARAGRAPHS 1 THROUGH 105.

133. DEFENDANTS DENYING PLAINTIFF COMMUNICATION WITH SOCIETY VIA MAIL CORRESPONDENCE FOR AN ALLEGED WRONG DOING FAILED TO ISSUE A RULES VIOLATION REPORT, (R.V.R.)

134. DEFENDANTS FAILURE TO ISSUE PLAINTIFF A R.V.R. FOR AN ALLEGED WRONG DOING DENIED PLAINTIFF AN OPPORTUNITY TO CHALLENGE THE DENIAL OF HIS LIBERTY INTEREST RIGHT TO COMMUNICATE WITH SOCIETY VIA MAIL CORRESPONDENCE.

135. DEFENDANTS' ACTS ARE NOT REASONABLY RELATED TO A LEGITIMATE PENOLOGICAL INTEREST AND DENY PLAINTIFF HIS FIRST AMENDMENT RIGHT TO COMMUNICATE AND FILE GRIEVANCES. VIOLATIVE OF HIS LIBERTY INTERESTS ABSENT DUE PROCESS UNDER THE FIRST, FIFTH AND FOURTEENTH AMENDMENTS.

FIFTH CAUSE OF ACTION

(CALIFORNIA CONSTITUTION CRUEL OR UNUSUAL PUNISHMENT — SUBJECTION TO RETALIATORY EXCESSIVE USE OF FORCE CAUSING BODILY INJURY)

136. PLAINTIFF INCORPORATES BY REFERENCE ALL ALLEGATIONS CONTAINED IN PARAGRAPHS 1 THROUGH 105

137. DEFENDANTS IN RETALIATION FOR FILING 602 APPEALS AGAINST THEM WANTONLY SUBJECTED PLAINTIFF TO EXCESSIVE USE OF FORCE WHILE UNDER MANAGEABLE RESTRAINTS CAUSING BODILY INJURY.

138. DEFENDANTS WANTONLY SUBJECTED PLAINTIFF TO EXCESSIVE USE OF FORCE CAUSING PLAINTIFF TO NOW SUFFER MENTAL ANGUISH AND FEAR OF FUTURE ATTACKS BY GREEN WALL I.C.I. DEFENDANTS.

139. DEFENDANTS WERE DELIBERATE AND INDIFFERENT TO PLAINTIFF'S RIGHT TO BE FREE FROM RETALIATORY ACTIONS AND UNNECESSARY HARM VIOLATING OF CALIFORNIA CODE OF REGULATIONS TITLE 15 (CCR 15) SECTIONS 3084.1, 3268(a)(3) AND ARTICLE ONE SECTION SEVENTEEN OF STATE CONSTITUTION.

SIXTH CAUSE OF ACTION

(CALIFORNIA CONSTITUTION CRUEL OR UNUSUAL PUNISHMENT — DELIBERATE INDIFFERENCE TO INADEQUATE MEDICAL TREATMENT)

140. PLAINTIFF INCORPORATES BY REFERENCE ALL ALLEGATIONS CONTAINED IN PARAGRAPHS 1 THROUGH 105

141. DEFENDANTS HAVE SUBJECTED PLAINTIFF TO CRUEL OR UNUSUAL PUNISHMENT WHEN INTENTIONALLY DENYING HIM ADEQUATE MEDICAL TREATMENT SPECIFICALLY FOR HIS CROHN'S DISEASE, CHRONIC SINUS CONDITION AND INJURIES SUFFERED WHEN SUBJECTED TO EXCESSIVE USE OF FORCE BY THE GREEN WALL I.C.I. DEFENDANTS.

142. DEFENDANTS HAVE BEEN WANTONLY DELIBERATE AND INDIFFERENT TO PLAINTIFF'S MEDICAL NEEDS ENTITLED TO HIM UNDER CCR 15 §§ 3350(a)(b); 3350.1(a).

143. DEFENDANTS ACTS HAVE DENIED PLAINTIFF HIS RIGHT TO BE FREE FROM CRUEL OR UNUSUAL PUNISHMENT AS GUARANTEED BY ARTICLE 1 SECTION 17 OF STATE CONSTITUTION.

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SEVENTH CAUSE OF ACTION

(CALIFORNIA CONSTITUTIONAL ALIENABLE RIGHTS ~ RIGHT TO COMMUNICATE)

144. PLAINTIFF INCORPORATES BY REFERENCE ALL ALLEGATIONS CONTAINED IN PARAGRAPHS 1 THROUGH 105

145. DEFENDANTS HAVE DENIED PLAINTIFF THE RIGHT TO COMMUNICATE WITH THE GENERAL COMMUNITY WHEN DENYING MAIL CORRESPONDENCE ASBEST ANY MISCONDUCT BY PLAINTIFF OR CORRESPONDENT.

146. THESE ACTS BY DEFENDANTS IS CONTRARY TO CCR 15 §§ 3130, 3133 AND STATE PENAL CODE SECTIONS 2600, 2601 AND VIOLATES OF ARTICLE I SECTION 1 OF THE STATE CONSTITUTION.

EIGHTH CAUSE OF ACTION

(CALIFORNIA CONSTITUTIONAL RIGHT TO PETITION THE GOVERNMENT FOR REDRESS)

147. PLAINTIFF INCORPORATES BY REFERENCE ALL ALLEGATIONS CONTAINED IN PARAGRAPHS 1 THROUGH 105

148. DEFENDANTS HAVE DENIED PLAINTIFF THE RIGHT TO FILE AND HAVE ADDRESSED ADMINISTRATIVE GRIEVANCES (602s) BY THE CANCELLING OF 602s.

149. THESE ACTIONS BY DEFENDANTS ARE CONTRARY TO CCR 15 §§ 3177, 3054.1 AND VIOLATES OF ARTICLE I SECTION 3 OF THE STATE CONSTITUTION.

NINTH CAUSE OF ACTION

(CALIFORNIA CONSTITUTION ~ STATE CREATED LIBERTY INTEREST)

150. PLAINTIFF INCORPORATES BY REFERENCE ALL ALLEGATIONS CONTAINED IN PARAGRAPHS 1 THROUGH 105

151. DEFENDANTS HAVE DENIED PLAINTIFF HIS STATE CREATED LIBERTY INTEREST RIGHT TO COMMUNICATE WITH THE GENERAL COMMUNITY AND BE AFFORDED THE OPPORTUNITY TO FILE GRIEVANCES.

152. THESE ACTS BY DEFENDANTS HAVE DEPRIVED PLAINTIFF HIS LIBERTY INTEREST ASBEST DOE PROCEEDS IN VIOLATION OF ARTICLE I SECTION 1, 3, 7 AND 15 OF STATE CONSTITUTION.

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TENTH CAUSE OF ACTION

(CALIFORNIA CONSTITUTION ~ EQUAL PROTECTION)

153. PLAINTIFF INCORPORATES BY REFERENCE ALL ALLEGATIONS CONTAINED IN PARAGRAPHS 1 THROUGH 105.

154. DEFENDANTS HAVE DENIED PLAINTIFF COMMUNICATION WITH THE GENERAL COMMUNITY ON THE BASIS OF AN ASSERTED MISCONDUCT DEEMED BY DEFENDANTS AS PRISON GANG ACTIVITY PURSUANT TO C.C.R. 15 §§ 3000 "GANGS", 3023 "GANG ACTIVITY"

155. DEFENDANTS' DENIAL IS ABSENT ANY ISSUANCE OF A R.V.R. TO SUPPORT THEIR DENIAL PURSUANT TO C.C.R. 15 §§ 3312, 3315.

156. ABSENT ISSUANCE OF A R.V.R. DEFENDANTS HAVE NOT AFFORDED PLAINTIFF THE OPPORTUNITY TO PRESENT ANY MEANINGFUL CHALLENGE TO THE ASSERTED MISCONDUCT.

157. DEFENDANTS HAVE DENIED PLAINTIFF THE OPPORTUNITY TO FILE A GRIEVANCE FOR THE DENIAL OF MAIL.

158. DEFENDANTS' ACTS HAVE DENIED PLAINTIFF HIS RIGHT TO EQUAL PROTECTION AND DUE PROCESS IN VIOLATION OF ARTICLE 1 SECTION 7 AND 15 OF THE STATE CONSTITUTION.

IX CAUSATION

AS A DIRECT AND PROXIMATE RESULT OF THE ABOVE-MENTIONED ACTS AND OMISSEMENTS ON THE PART OF DEFENDANTS, PLAINTIFF HAS SUFFERED AND CONTINUES TO SUFFER GENERAL AND SPECIFIC DAMAGES IN AN AMOUNT TO BE PROVEN AT TRIAL. PLAINTIFF HAS NO PLAIN, ADEQUATE OR COMPLETE REMEDY AT LAW TO REDRESS THE WRONGS DESCRIBED HEREIN. PLAINTIFF HAS BEEN AND WILL CONTINUE TO BE IRREPARABLY INJURED BY THE CONDUCT OF THE DEFENDANTS UNLESS THE COURT GRANTS:

X. PRAYER FOR RELIEF

WHEREFORE, PLAINTIFF RESPECTFULLY PRAYS FOR THE FOLLOWING RELIEF:

1.) A DECLARATORY JUDGEMENT THAT THE DEFENDANTS' ACTS AND PRACTICES DESCRIBED HEREIN VIOLATE PLAINTIFF'S FEDERAL AND STATE RIGHTS AS STATED HEREIN.

2.) A PRELIMINARY AND PERMANENT INJUNCTION WHICH PROHIBITS AND REQUIRES

1 THAT DEFENDANTS, THEIR AGENTS, EMPLOYEES /AND SUCCESSORS: I.) NOT HARASS, REBILITE
 2 OR CONDUIT REPRISALS FOR PLAINTIFFS COURT LITIGATION; II.) CEASE FROM DENYING PLAINTIFF
 3 ADEQUATE CORRECTIVE MEDICAL TREATMENT; III.) CEASE DENYING COMMUNICATION VIA U.S.
 4 MAIL ON AN ALLEGED PRETEXT OF PSYCHOLOGICAL SECURITY INTEREST ASSET CREDIBLE PROOF;
 5 II.) CEASE ALLOWING THE CLANDESTINE GREEN WALL PRISON GANG TO OPERATE UNCHECKED IN ABUSING
 6 THEIR AUTHORITY; II.) CEASE ALIENATION OF PLAINTIFF AND SIMILARLY SITUATED PRISONERS FROM
 7 THE REST OF S.H.U. AND SUBVERTING TO MORE RESTRICTIVE PROGRAM CHANGES

8 3. COMPENSATORY DAMAGES OF \$20.00 A DAY FOR DENIAL OF PLAINTIFFS' CONSTITUTIONAL
 9 RIGHTS FROM JANUARY 2000 TO THE PRESENT.

10 4. COMPENSATORY DAMAGES FOR PLAINTIFFS MENTAL ANGUISH AND SUFFERING AS A RESULT OF
 11 BOTH INADEQUATE AND CORRECTIVE MEDICAL TREATMENT AND FOR SUBJECTION INTRUSIONS AND MENTAL
 12 ANGUISH AND SUFFERING FROM EXCESSIVE USE OF FORCE.

13 5. PUNITIVE DAMAGES OF \$20,000.00 FROM EACH DEFENDANT FOUND TO HAVE DENIED PLAINTIFF
 14 HIS CONSTITUTIONAL RIGHTS.

15 6. PLAINTIFFS' COSTS FOR THE SUIT.

16 7. FOR COSTS AND REASONABLE ATTORNEY FEES PURSUANT TO 42 U.S.C. §1983 AND ANY OTHER
 17 GROUNDS AUTHORIZED BY LAW

18 8. APPOINTMENT OF COUNSEL TO REPRESENT PLAINTIFF WHO IS NOT SCHOLAR IN THE SCIENCE OF LAW.

19 9. TRIAL BY JURY AS TO INADEQUATE AND CORRECTIVE MEDICAL TREATMENT AND SUBJECTION TO
 20 INTRUSIONS DUE TO EXCESSIVE USE OF FORCE AND DENIAL OF FEDERAL AND STATE CONSTITUTIONAL LIBERTY INTERESTS.

22 XI. VERIFICATION

23 1. ALFREDO A. SANDOVAL DO STATE AND DECLARE THAT I HAVE READ THE AFORESAID AND
 24 DO STATE THAT THE CONTENTS THEREIN ARE TRUE AND CORRECT. AND THAT I DO STATE UNDER
 25 THE PENALTY OF PERJURY AND THE LAWS OF THE UNITED STATES OF AMERICA. EXECUTED THIS DAY
 26 AT DELICAN BAY STATE PRISON, CRESCENT CITY, CALIFORNIA.

27 DATED July 24, 2008 2008 /s/ Alfred Sandoval
 28 PLAINTIFF / DECLARANT

PROOF OF SERVICE BY MAIL

(C.C.P. Section 101(a) # 2015.5, 28 U.S.C. 1746)

I, ALFRED SANDOVAL, am a resident of Pelican Bay State Prison, in the County of Del Norte, State of California. I am over eighteen (18) years of age and am a party to the below named action.

My Address is: P.O. Box 7500, Crescent City, CA 95531.

On the 24 day of July, in the year of 2008, I served the following documents: (set forth the exact title of documents served)

FIRST AMENDED COMPLAINT

on the party(s) listed below by placing a true copy(s) of said document, enclosed in a sealed envelope(s) with postage thereon fully paid, in the United States mail, in a deposit box so provided at Pelican Bay State Prison, Crescent City, CA 95531 and addressed as follows:

NORTHER DISTRICT COURT

450 GOLDEN GATE AVE

SAN FRANCISCO, CA.

94102

I declare under penalty of perjury that the foregoing is true and correct.

Dated this 24 day of July, 2008.

Signed: Alfred Sandoval

(Declarant Signature)